



BILL

An Act to amend The Ontario Railway Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 4 of section 250 of *The Ontario Railway Act* is amended by adding at the end thereof the words “ex-
cept street railways in cities having a population of not less than 40,000 and not more than 75,000 where there is an agreement between the street railway company and the municipal corporation of the city.”

Rev. Stat.
c. 185, s. 250,
subs. 4,
amended.

No. 92.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act to amend The Ontario Railway
Act.

1st Reading, 21st March, 1916.

Sir ADAM BECK.

TORONTO:
PRINTED BY A. T. WILGESS,
Printer to the King's Most Excellent Majesty.

No. 93.

1916.

BILL

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Clause (a) of subsection 1 of section 56 of *The Municipal Act* is amended by inserting between the words “widow” and “or” the words “a married woman.”

Rev. Stat.
c. 192, s. 56,
amended.
Married
women
qualified
to vote.

2. Section 393 of *The Municipal Act* is amended by striking out the figures “100,000” in the second line and inserting the figures “40,000” in lieu thereof.

Rev. Stat.
c. 192, s. 393,
amended.
Using public
schools for
polling
places.

No. 93.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act to amend The Municipal Act.

1st Reading, 21st March, 1916.

Sir ADAM BECK.

TORONTO:
PRINTED BY A. T. WIGGESS,
Printer to the King's Most Excellent Majesty.

No. 94.

1916.

BILL

An Act to amend The Ontario Voters' Lists Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 3 of section 6 of *The Ontario Voters' Lists Act* is amended by inserting in the second line between the words "widows" and "and," the words "married women,"

Rev. Stat.
c. 6, s. 6,
subs. 3,
amended.

No. 94.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act to amend The Ontario Voters'
Lists' Act.

1st Reading. 21st March, 1916.

Sir ADAM BECK.

TORONTO:
PRINTED BY A. T. WILGESS,
Printer to the King's Most Excellent Majesty.

BILL

An Act to amend The Power Commission Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. *The Power Commission Act* is amended by adding the following section:—

6a.—(1) The Lieutenant-Governor in Council may appoint an officer to be known as the Comptroller of the Commission who shall hold office during the pleasure of the Lieutenant-Governor in Council and shall countersign every cheque issued by the Commission, but before countersigning shall satisfy himself that the issue of the cheque is authorized.

(2) The Comptroller shall give such directions as he may deem proper as to the books of account kept by the Commission and shall cause to be kept and entered therein regular accounts according to a system and method approved of from time to time by the Lieutenant-Governor in Council of all sums of money received and paid out by the Commission and of the several purposes for which the same are received and paid, and such books shall be at all times open to the inspection of any person appointed by the Lieutenant-Governor in Council for that purpose, and any such person may take copies or extracts from such books.

(3) The Commission, through the Comptroller, shall, before the 15th day of February in each year, make to the Treasurer of Ontario an annual report for the information of the Lieutenant-Gov-

error in Council and for the information of the Assembly, and such report shall contain, among other things, clear and comprehensive statements disclosing and exhibiting—

- (a) The actual condition as to the amount and character of the assets and liabilities (direct and indirect) of the undertakings conducted by it as on December 31st last preceding;
- (b) The cash transactions, including receipts and disbursements for the year ending on December 31st last preceding;
- (c) The revenues, income and interest earned and the amount of the costs, expenses and other items chargeable there against in connection with the operation, maintenance, administration and conduct of the undertakings controlled by it for the year ending 31st December last preceding;
- (d) The amounts, with the expected sources of the same, which it is estimated will be received in cash or its equivalent and the payments, loans and advances with the purpose of the same, which it is contemplated shall be made in cash or otherwise, in the next succeeding year;
- (e) The amounts and particulars of the obligations and liabilities which it is contemplated shall be incurred in the next succeeding year;
- (f) The securities or evidence of indebtedness which it is contemplated shall be created, issued, sold or otherwise disposed of, together with the method of dealing with the same in the next succeeding year;

and such other matters as may appear to be of public interest in relation to the said Commission or its works, as the Lieutenant-Governor in Council may direct, and such statements shall be in form approved of by the Treasurer of Ontario, and shall contain such information and particulars as he shall require, and shall be certified by the chairman or vice-chairman as true and correct in all particulars.

- (4) The Comptroller shall make such other and further reports, and prepare and furnish such other statements to the Treasurer of Ontario as he shall from time to time request or direct.
 - (5) The Comptroller shall perform such other duties as the Lieutenant-Governor in Council may prescribe.
 - (6) In case of the illness or absence of the Comptroller or a vacancy in the office, the Lieutenant-Governor in Council may appoint some other person to act as Comptroller, and the person so appointed shall, during such absence or vacancy, possess the powers and perform the duties of the Comptroller.
 - (7) The accounts of the Commission shall, upon the direction of the Lieutenant-Governor in Council, be from time to time, and at least once every year, audited either by the Auditor for Ontario, or by other auditor or auditors.
 - (8) The salary of the Comptroller and the expenses of such audits shall be fixed by the Lieutenant-Governor in Council and paid by the Commission as part of the costs of the administration.
- 2.** Section 15 of the said Act is amended by adding thereto the following subsection:—

- (2) The income of the Commission shall be applied to the necessary operating expenses, to the preservation, improvement, supervision, renewal, repairs, maintenance and insurance of its works, and to the payment of the remuneration and expenses of the Commissioners, and the salaries of officers and others employed by the Commission, and to other incidental expenses.

No. 95.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act to amend The Power Commission
Act.

1st Reading. 1916.

Mr. McGARRY.

TORONTO:
PRINTED BY A. T. WILKES,
Printer to the King's Most Excellent Majesty.

BILL

An Act allowing Municipalities to adopt Preferential Voting.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be known and cited as *The Preferential Voting Act, 1916.* Short title.

2. Any municipal council may provide by by-law for using in the election of any municipal officer, such as mayor, warden, réeve, councillor or alderman, wherein only one office is to be filled and wherein only one candidate can be elected, a preferential ballot that in the event of more than two candidates running for such office, will enable electors to designate their choice, not only by marking their ballot for the candidate firstly desired and the elector's first choice, but in such a way as to designate second and subsequent choices, in the alternative event of the first choice having been unsuccessful; and for such purpose may provide for the utilization of votes cast for an unsuccessful candidate by a re-distribution of them after dropping such candidate in process of counting, after the manner of the Hare-Spence system, or such other system as may be deemed by said council most effectual for the purpose.

By-law adopting preferential ballot.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act allowing Municipalities to adopt
Preferential Voting.

1st Reading, 22nd March,	1916.
2nd Reading,	1916.
3rd Reading,	1916.

Mr. PROUDFOOT.

TORONTO:
PRINTED BY A. T. WIGGESS,
Printer to the King's Most Excellent Majesty.

BILL

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 409 of *The Municipal Act* is amended by adding the following thereto as paragraph 2a. Rev. Stat. c. 192, s. 409, amended.

2a. Paragraph 2 of this section shall also apply to Regulating location of. private hospitals, public dance halls and undertakers' establishments, and, for the purpose of this paragraph, any hall, room, or building in which dancing is carried on for which a fee is charged or to which any admission fee is demanded or paid, shall be deemed a public-dance hall, but this paragraph shall not apply to a building which was on the 1st day of May, 1916, erected or used for any of such purposes so long as it is used as it was used on that day.

2. Section 406a of the said Act as enacted by section 13 of *The Municipal Amendment Act, 1914*, is amended by adding the following thereto as paragraph 5:— Rev. Stat. c. 192, s. 406a, amended.

5. For regulating and governing the use of head or side lights on automobiles within the city. Head lights on automobiles.

3. Section 406 of the said Act is amended by inserting the following therein as paragraph 9a:— Rev. Stat. c. 192, s. 406, amended.

9a. For licensing, regulating and governing massagists and for inspecting and regulating massage parlours, and such by-laws may provide for the enforcement thereof through the Medical Health Department or Police Department of the city or town. Licensing and regulating massagists, etc.

Rev. Stat.
c. 192, s. 400,
amended.

4. Section 400 of the said Act is amended by adding thereto the following as paragraph 52:—

WATER TANKS AND TOWERS.

Water
tanks and
towers.

52. For regulating the construction, erection, alteration or repairing of water tanks and water towers whether on buildings or elsewhere, and for prohibiting the construction, erection, altering or repairing of same contrary to such regulations, and for fixing the maximum size or height at which such tanks or towers may be erected.

Rev. Stat.
c. 192, s. 406a,
amended.

5. Paragraph 2 of section 406a of the said Act as enacted by section 13 of *The Municipal Amendment Act, 1914*, is amended by inserting after the word "highway" in the fourth line thereof the following words:—"or which by reason of the widening or extension of a highway occupies a portion of such highway."

No. 97.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act to amend The Municipal Act.

1st Reading, 22nd March,	1916.
2nd Reading,	1916.
3rd Reading,	1916.

Mr. RUSSELL.

TORONTO:
PRINTED BY A. T. WIGGESS,
Printer to the King's Most Excellent Majesty.

BILL

An Act to amend The Public Utilities Act.

H IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. *The Public Utilities Act* is amended by adding the following sections:—

Rev. Stat.
c. 204,
amended.

- 16a. Where any city, town or village is using, or hereafter desires to use, any body of water within fifteen miles of the municipality as a source of water supply for such city, town or village, then if any other person, company or corporation, other than a municipal corporation, is using, uses or commences to use the said source of water supply for any purpose whatever such person, company or corporation shall at all times maintain at the sole cost, charge and expense of the said person, company or corporation the level of the said source of water supply in said body of water at the same height as the said source of water supply was at the time when the said city, town or village commenced to use the said source of water supply, and if the said city, town or village raises the height of the said source of water supply at any time by any means whatever, then, the said person, company or corporation shall continue after such raising of the said source of water supply to maintain same at the sole cost, charge and expense of the said person, company or corporation at the same height to which the same is raised by the said city, town or village, and any agreement in conflict in any way with this section shall be null and void.

Require-
ment as to
maintain-
ing level of
water used
by muni-
cipality.

Agreement
between
municipalities as
to joint use
of water
supply.

16b. If a municipal corporation is using any source of water supply and another city, town or village desires to use the same source of water supply the said city, town or village may use the same source of water supply on application to The Ontario Railway and Municipal Board, having first entered into such arrangements with the municipal corporation already using the source of water supply as the said The Ontario Railway and Municipal Board, on application made to said Board, may deem just and equitable under all the circumstances of each particular case.

Right of
municipality to
control
body of
water situate
outside
its boundaries.

16c. Where the source of water supply of any city, town or village consists of any lake or lakes within fifteen miles of the said city, town or village, the said lake or lakes shall be under the sole charge and control of the municipality using such lake or lakes as the source of water supply to the same extent as if the said lakes were within such municipality, and such city, town or village shall be at liberty to make any by-law or resolution for the user of the said lake or lakes for any and every purpose by any person, company or corporation as such city, town or village deems advisable, subject to the approval of the said The Ontario Railway and Municipal Board, and this paragraph shall apply to lakes that are connected in any way, or by any process whatever, with the lake or lakes from which the water supply of the municipality is being actually taken.

Application
of certain
sections.

16d. The preceding three sections shall not apply to the Great Lakes, Lake Timiskaming, Lake Nipissing, Rice Lake, Lake Simcoe or any river or canal.



No. 98.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act to amend The Public Utilities Act.

1st Reading, 22nd March,	1916.
2nd Reading,	1916.
3rd Reading,	1916.

Mr. MOREL.

TORONTO:
PRINTED BY A. T. WIGGESS,
Printer to the King's Most Excellent Majesty.

BILL

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 17 of *The Municipal Act* is amended by adding thereto the following subsection:—

Rev. Stat.
c. 192, s 17,
amended.

- (2) The Municipal Board may detach from a village, a district which is composed wholly or for the greater part of farming land or lands used for market gardening or like purposes and may annex such district to an adjoining township. Provided such action is applied for by the council of said village, or by a majority of the rate-payers in the said district.

Detach-
ment of
farm lands
from
village.

No. 99.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act to amend The Municipal Act.

1st Reading, 22nd March,	1916.
2nd Reading,	1916.
3rd Reading,	1916.

Mr. JAGUES.

TORONTO:
PRINTED BY A. T. WILGESS,
Printer to the King's Most Excellent Majesty.

BILL

An Act intituled The Ontario Temperance Act.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

SHORT TITLE.

1. This Act may be cited as *The Ontario Temperance Act*.

INTERPRETATION.

2. In this Act,

Interpreta-
tion.

- (a) "Board" shall mean the Board of License Commissioners to be appointed under this Act; Board.
- (b) "Druggist's retail license" shall mean a license authorizing a chemist or druggist, duly registered and licensed to practice and carry on business as such under and by virtue of the Act or Acts relating to the Pharmaceutical Association of Ontario in force in this Province, to sell liquor for medicinal and sacramental purposes only in the store defined in such license, subject to the further provisions relating to druggist's retail licenses and to the other general provisions of this Act; "Druggist's retail license."
- (c) "Druggist's wholesale license" shall mean a license authorizing a person, firm or incorporated company, carrying on business as a wholesale druggist, to sell subject to the provisions of this Act in the warehouse or store in which such person, firm or incorporated company carry on the business of a wholesale druggist in accordance with section 33 of this Act, alcohol not exceeding in quantity ten gallons at any one time to any person for mechanical or scientific purposes and to a druggist retail licensee; and "Druggist's wholesale license."

to sell to any duly registered medical practitioner, to any druggist retail licensee and to any public hospital, private hospital, sanatorium for consumptives, or private sanatorium, but to no other, liquor not exceeding in quantity five gallons at any one time;

"Druggist retail licensee."

(d) "Druggist retail licensee" shall mean a person holding a druggist's retail license under this Act;

"Druggist wholesale licensee."

(e) "Druggist wholesale licensee" shall mean a person holding a druggist's wholesale license under this Act;

"Inspector."

(f) "Inspector" shall mean and include a Provincial Inspector and a local inspector appointed under this Act;

"Licensed premises."

(g) "Licensed premises" shall mean the warehouse or store in respect of which a license under this Act has been granted, and is in force, and shall include every room, closet, cellar, yard, stable, out-house, shed and any other place whatsoever, of, belonging or in any manner appertaining to such warehouse or store;

"Licensee."

(h) "Licensee" shall mean a person holding a license under this Act;

"Liquor,"
"Liquors."

(i) "Liquor" or "Liquors" shall include all fermented, spirituous and malt liquors, and combinations of liquors, and drinks and drinkable liquids which are intoxicating, and any liquor which contains more than per cent. of proof spirits shall be conclusively deemed to be intoxicating;

"Local Inspector."

(j) "Local Inspector" shall mean an inspector appointed under this Act for a locality;

"Manufacturer of native wines."

(k) "Manufacturer of native wines" shall mean manufacturer of native wines from grapes grown and produced in Ontario, who has complied with any regulations or restrictions made or passed by the Lieutenant-Governor in Council;

"Private dwelling house."

(l) "Private dwelling house" shall mean a separate dwelling with a separate door for ingress and egress, and actually and exclusively occupied and used as a private residence; but

- (i) Without restricting the generality of the above definition of a private dwelling house, among other things which the expression "private dwelling house" does not include or mean, it shall not include or mean and shall not be construed to include or mean any house or building occupied or used or partially occupied or used as an office, other than a duly registered physician's, dentist's, or veterinary surgeon's office, or as a shop, or as a place of business, or as a factory, or as a workshop, or as a warehouse, or as a clubhouse, or club room, public hall or hall of any society or order, or as a boarding house, or as a lodging house where there are more than three lodgers other than the members of the family, or as a livery stable, or as an inn, tavern, hotel or other house or place of public entertainment or any house or building the rooms or compartments in which are leased to different persons, or any building or house mentioned in section 66 of this Act, or any house or building where for money or other valuable consideration any goods or chattels are kept for sale or sold, or meals given or lodging provided, nor shall it include or mean or be construed to include or mean any house or building connected by a doorway or covered passage or way of internal communication, except by telephone, with any place where liquor is authorized to be sold under this Act, or with any office, except a duly registered physician's, dentist's or veterinary surgeon's office, or with any place of business, factory, warehouse, workshop, clubhouse, club-room, hall before mentioned, boarding house or lodging house as aforesaid, livery stable, inn, tavern, hotel or other house or place of public entertainment or resort or with any house or building mentioned in section 94 of this Act.
- (ii) Notwithstanding the above restrictions "private dwelling house" shall include also a suite of rooms in an apartment block, in a city, separated and closed off by walls from all other rooms in such block, and without any door or opening whereby communication may be had with any other rooms, save doors

Certain
places not
to be
deemed.

Proviso.

opening into a main or common hall, leading with or without stairs into a street or lane; and in which suite there are facilities for cooking, and a family actually residing, cooking, sleeping and taking their meals;

"Regulations."

(m) "Regulations" shall mean regulations made by the Lieutenant-Governor in Council under the authority of this Act;

"Sale."

(n) "Sale" shall include exchange, barter, and traffic;

"Minister."

(o) "Minister" shall mean the member of the Executive Council, to whom, for the time being, is assigned the supervision of the administration of this Act.

LICENSES.

Form and effect of licenses.

3. Druggist's wholesale licenses and druggist's retail licenses, written or printed or partly written and partly printed on stamped paper, may be issued subject to the provisions and in the forms provided for by schedules A and B of this Act.

Term of license.

4. All licenses issued under this Act shall be signed by the Minister, and countersigned by the chairman or some other member of the Board, and shall continue in force to and inclusive of the 30th day of April next following the date thereof.

Operation of license.

5. Subject to the provisions of this Act as to removals and the transfer of licenses, every license for the sale of liquor shall be held to be a license only to the person therein named and for the warehouse or store therein mentioned, and shall remain valid only as long as such person continues to be the occupant of the said premises and the true owner of the business there carried on.

Discretion of Board.

6. The granting or refusing of a license shall be absolutely in the discretion of the Board, and the Board may at any time cancel a license for any cause which it deems sufficient, and shall not be bound to assign any cause for such cancellation.

Penalty for licensee selling except as authorized.

7. Every licensee and every partner, clerk, servant or agent of a licensee who sells liquor in any other place or at any other time or in any other quantity, or who sells liquor otherwise than as authorized by the license, and by this Act, shall be guilty of an infraction of section 70.

WHO MAY OR MAY NOT BE LICENSEES.

PARTNERSHIPS.

8.—(1) Subject to the conditions and regulations in this Section and in any Order-in-Council respecting the granting of such licenses, a license may be granted or transferred to a firm registered under *The Partnership Registration Act*, if otherwise qualified.

Granting
licenses
to partner-
ships. Rev.
Stat. c. 133.

(2) The application for such license shall be signed by the firm under its name as registered, and by every person registered as a member of such firm in his own name, and the bond or other security to be furnished as provided by section 15 shall be executed and entered into or furnished by each registered member of the firm severally.

Application
for firm
license.

(3) Every registered member of the firm shall be severally liable to the fines and penalties imposed by this Act in the same manner and to the same extent as if he were the holder of the license, and any prosecution for contravention of this Part in or upon premises the license for which is held by a firm may be carried on against the individual members of the firm or any one or more of them jointly or severally; but not more than one of the members of the firm shall be convicted of the same offence, and the conviction of one of them shall be a bar to the conviction of the other or others of them.

Liability of
members
of firm.

(4) If during the term of the license any change takes place in the firm by death, dissolution of partnership, or the retirement of any member, the remaining member or members and the legal representatives of any such deceased member shall within one month thereafter obtain the written consent of the Board to the continuance of the business, and if such consent is not obtained or the license is not transferred as provided by section 26 such license shall be void.

Effect of
changes in
firm.

(5) The license granted or transferred to any firm may be revoked or cancelled under the circumstances and in the manner provided by section 32 or by any other section of this Act, and those sections shall apply to firms in the same manner and to the same extent as to individuals, and the conviction of any member of the firm shall for the purposes of those sections be deemed to have been the conviction of the firm.

Cancellation
of firm
license.

COMPANIES.

Tavern or
shop
licenses to
companies.

9.—(1) Subject to the conditions and regulations in this section and in any Order-in-Council respecting the granting of such licenses, a license may be granted or transferred to an incorporated company if otherwise qualified.

Application
for
company's
license.

(2) The application for such license shall be signed by the president and secretary of the company and the corporate seal of the company shall be affixed thereto, and in lieu of the security required by section 15 such security shall be furnished by the company as shall be determined by Order-in-Council.

Revocation
and cancel-
lation of
company's
license.

(5) The license granted to any company may be revoked or cancelled under the circumstances and in the manner provided by section 32 or by any other section of this Act, and those sections shall apply to companies in the same manner and to the same extent as to individuals.

DISQUALIFIED PERSONS.

Rejected
applicant
to be dis-
qualified for
three years.

10. If an applicant for a license has at any time or in any place been refused a license on the ground that he is not a fit person to hold a license, no application by such applicant shall be entertained within a period of three years from the last of such refusals, and no application by any person for a license shall be entertained within the said period if a person whose application has been refused for the same premises be living upon the premises of the applicant or be in any way connected with the business proposed to be carried on by such applicant.

Licenses
granted to
disqualified
persons.

11. No license shall be granted or transferred to any person declared by this Act to be a disqualified person during the continuance of such disqualification, and any license issued or transferred to a person so disqualified shall be void; and, if any licensee during the time he holds a license becomes disqualified to be an applicant for a license, the license then held by him shall thereupon become void.

Inspectors
disqualified.

12. No license shall be granted under the provisions of this Act to or for the benefit of any person who is an inspector, and no license shall be granted in respect of premises the owner or part owner of which is an inspector, and any license issued in contravention of this section shall be void

and every local inspector who knowingly recommends the issue of a license in any such case shall be guilty of an offence against this Act.

APPLICATION FOR LICENSE.

- 13.**—(1) No license shall be granted to any person unless Conditions precedent to grant of license.
- (a) He has filed his application therefor, with the Filing application. affidavits and bond hereinafter mentioned, with the local inspector on or before the first day of April in the year in which the license is to be granted;
 - (b) He has given the security required by this Act; Giving security.
 - (c) He is certified in writing signed by the inspector Certificate of inspector. to be a person of good reputation and character;
 - (d) Has not been convicted of any offence against Absence of convictions. any of the provisions of this Act or any previous Act relating to the granting of licenses for the sale of liquor within three years prior to his application;
 - (e) Has complied with the requirements of this Act Compliance with requirements. preliminary to the issue of such license and has received a recommendation by the inspector in favour of the issue of the license;
 - (f) The warehouse or store in respect of which he applies for a license is such as is required by this Act and suitable for carrying on the business in a reputable manner; Suitability of premises.
 - (g) The applicant is duly authorized to engage and is Qualification. lawfully and in good faith engaged in Ontario, in the business of chemist and druggist as the true owner thereof, and has in such business a stock of drugs of the value of at least \$1,000 in a city, and of the value of at least \$200 in any other place.

(2) Every application received by the inspector shall be Transmission of application to Board. transmitted by him to the Board.

Verification
of state-
ments in
application.

14. The application for a license shall be in the appropriate form given in one of the Schedules "C" and "D" and shall be accompanied by the affidavits of the applicant and two reputable persons residing in the district verifying the correctness of the statements in such application in the forms 1 and 2.

Bond by
applicant.

15.—(1) Before any license is issued, the person applying for the same shall enter into a bond to His Majesty, with two good and sufficient sureties, residents of Ontario, to be approved by the local inspector, with the condition and in other respects according to the form, or to the effect of such one of the forms, given in schedule E to this Act, as is applicable to the case, and such bond shall accompany the application and be filed therewith.

Disqualifi-
cation for
suretyship.

(2) Members of municipal councils, inspectors and constables shall not be accepted as sureties in the bond to be given under this section.

Recovery of
penalty.

(3) The penalty mentioned in the bond may on breach of the condition of the bond be recoverable by and shall be payable to His Majesty at the suit of the Attorney-General of Ontario.

Acceptance
of bond of
guarantee
company.

(4) The bond of a guarantee company, approved of by the Lieutenant-Governor in Council under *The Public Officers Act*, may be accepted in lieu of a bond with personal sureties, in which case the necessary changes shall be made in the form of bond given in schedule E.

Amount of
security.

16. The amount of the bond shall be for the applicant or principal \$500, and for the sureties \$250 each, and such principal and sureties shall justify by affidavit in the said amounts respectively, but if the bond of a guarantee company is furnished it shall be in the sum of \$500.

Publication
of notice of
applications.

17. The inspector shall, at least fourteen days before the meeting of the Board at which applications are to be considered, cause to be published in at least two issues of some newspaper published in the county or district town, if there is one published therein, or in some other city or town in the county or district (if there is no such newspaper published in the county or district town);

- (a) The name of each applicant for a license, who is not at the time of making the application a licensee in the municipality in which the license is sought to be obtained; or who applies for the licensing of premises not then under license;

- (b) The description of license applied for and the place, described with sufficient certainty, where such applicant proposes to sell;
- (c) The total number of licenses of each class issued during the current license year; and
- (d) The total number of applications for the ensuing year; and he shall also keep a list of all applications, to be entered in a book to be kept by him for the purpose, containing similar information, and such list shall be open to the public for inspection without charge.

18. It shall be the duty of the inspector as soon as possible after the first day of March in each year to make an investigation in respect of the application and inspect the building and premises in respect of which the application for license is made and to report in writing to the board and such report shall contain:—

Investigation by inspector and report on applications.

- (a) A description of the buildings or premises in respect of which a license is asked and report on the suitability thereof for the proposed business;
- (b) If the application is made by a person who, under this or any other law of Ontario heretofore existing, held a license for the same premises during the preceding year for the sale of liquors, a statement showing the manner in which the premises were kept and the business conducted during the existence of the previous license, and the character of the persons frequenting the premises and the number of convictions against the applicant, if any;
- (c) A statement of the fitness of the applicant to receive a license and the character and reputation of such applicant;
- (d) A statement of any objection against the applicant or the said warehouse or store, and of anything which in the opinion of the inspector should constitute an objection to the granting of the application.

19. All papers in the office of the inspector connected with applications and objections thereto shall be at all times open to the inspection of the public without charge.

Papers in inspector's office may be seen.

Objections
to applica-
tions.

20. Any ten or more electors of any polling subdivision may object by petition, or in any similar manner, to the granting of any license within such subdivision on the ground that:—

- (a) That the requirements of this Act preliminary to the hearing of the application or relating to the application or affidavits have not been observed by the applicant, or that the bond filed by the applicant is not a good and sufficient bond for any reason, or that the sureties therein named are not good and sufficient sureties;
- (b) That the applicant is of bad fame or character, or of drunken habits, or has within three years previously forfeited a license issued under this or any other law now or heretofore existing respecting the licensing of the sale of liquor; that the applicant has been convicted within the period of three years next preceding the date of the application of a disqualifying infraction of this or any previously existing *Liquor License Act*; or that he has within the period of three years next preceding the date of the application kept a place in which the illicit sale of or dealing in liquors was frequent and notorious; or
- (c) That the premises in question are not such as to comply with the requirements of this Act, or are so constructed or equipped as to facilitate the violation of this Act;
- (d) That the applicant cannot comply with or fulfil the conditions or does not possess the qualifications required by section 13 of this Act.

Board may
refuse
license on
other
grounds.

Any of the above grounds on being established shall be sufficient to justify the Board in refusing to grant the application, but the above shall not be the only objections to be considered or given effect to by the Board.

Appointment
and notice
of hearing
application
and objec-
tions to
license.

21. In case notice of objections to the issue of a license is filed and given as aforesaid the Board or some member of the Board shall fix a convenient time and place at which to hear evidence with regard to the application and the objections thereto, and the inspector shall thereupon give notice thereof in writing by registered post to the applicant and to the persons filing objections.

Powers of
Board on
hearing.

22.—(1) At the time and place so fixed for the hearing of evidence regarding such application and objections, or at

the time and place fixed by adjournment the Board or a member thereof shall proceed to hear such evidence, and for that purpose shall possess the powers and authority of a judge sitting for the trial of an action, including the subpoenaing, calling and paying of witnesses, maintenance of order and other matters not herein specially provided for shall be followed.

(2) The hearing of such applications shall be open to the public. Hearing to be open to public.

(3) Every applicant shall be personally present at the hearing of his application, unless he is absent for a reason satisfactory to the Board. Applicant to be present.

(4) The Board may from time to time adjourn the hearing of any application. Adjournment of hearing.

23. The inspector, the applicant and any person objecting to the application as hereinbefore mentioned, and the representative of any municipality wherein is situated the warehouse or store proposed to be licensed, shall be entitled to be present at such hearing and to be heard personally or by counsel or agent and to produce witnesses and evidence. Who may be present at hearing and be heard.

24.—(1) On all applications, and whether objections have been made or filed or not, it shall be the duty of the inspector to see that the requirements of this Act preliminary to the hearing of the application have been complied with. Inspector to see that requirements complied with.

(2) If the inspector certifies in writing to the Board that such requirements have been complied with, but not otherwise, the Board shall proceed to consider every such application and all objections thereto, and all matters concerning the same, and to ascertain whether all the statutory requirements have been complied with, and to take notice of any objection whether the same is filed or not, and whether any person has raised it or not, and to take evidence of witnesses on oath in respect thereof if they deem such evidence necessary or proper, and for the purposes of this section the Board may fix a time and place to hear the parties to the application and any objection thereto in the same way and with the same powers and authority as provided in cases where notice of objection has been formally given as provided by this Act, and the Board after having fully considered the matter may in their discretion grant or refuse the application. Board to consider and deal with application.

(3) The Board may require the production of evidence as to ownership of business.

TRANSFER OF LICENSES, REMOVAL OF LICENSES.

Removal of
licensee to
other
premises.

25. If any person having lawfully obtained a license under this Act removes or intends to remove from the premises in respect of which the said license applies, he may apply to the Board for their written consent to the transfer of such license to the premises to which the licensee has removed or intends to remove, and the Board may, if they see fit, give their written consent to such transfer or may require the licensee to proceed as in the case of transfer of license to another person as hereinafter provided for.

Death of
licensee.

26. If any person having lawfully obtained a license under this Act dies before the expiration of his license, or sells or otherwise assigns his business or becomes dispossessed of it by operation of law, or if the licensed premises are destroyed by fire or otherwise, the license, subject to sections 27 and 28, shall *ipso facto* become forfeited and be absolutely null and void to all intents and purposes whatsoever.

Permit to
executors,
etc., to carry
on business.

27. The Board may, if it seems proper, give in writing permission for the carrying on of business under any such license in the premises described in such written permission by any person who may appear to be entitled to the benefit thereof, but such permission shall not extend beyond the period of one month from the happening of the event from which the forfeiture of the license would result, and such permission shall entitle the person to whom it is granted to the benefit of the license during that month according to the terms of the permission.

Transfer of
license.

28. Any person claiming the benefit of such license may, within such period of one month, apply to the Board for the transfer thereof to him or to other premises as the case may be, and the like proceedings shall be had and taken for the hearing and consideration of such application by the Board as are provided in section 30 hereof in the case of application for a license at other than the regular time.

Security to
apply to new
premises.

29. Any bond or security which the holder of a license may have given for any purpose in relation to such license shall, in case of removal, apply to the warehouse or store to which such removal is authorized; and, in all cases where a party other than the original licensee applies under any circumstances for the transfer of a license to him, he shall furnish such security as may be required in the case of an original application for a license.

30. If any person, who has not been refused a license within the year next preceeding, wishes to apply for a license at any other time than as hereinbefore provided, he may send to the Inspector his application, and thereupon the Inspector, under the direction of the Board, shall advertise such application in the manner provided for by section 17 and all the provisions of this Act as to objections to licenses and the conduct of any proceedings at and subsequent to the regular hearing of applications shall apply to every application made under this section.

Application
for license
after date
of general
issue.

31. The Board may at any time, upon application by a licensee, cancel the license held by such licensee.

Cancellation
on applica-
tion of
licensee.

32.—(1) Where a complaint in writing signed by ten or more ratepayers resident near the warehouse or store referred to in the complaint, or occupied by the person complained against, is lodged with the Inspector, together with the sum of \$20, to be paid to the Treasurer of Ontario, to form part of the Consolidated Revenue Fund, to the effect that the license for any premises or any transfer thereof to another person or to other premises has been obtained by fraud or false statements, or in an improper manner, or that the conditions necessary to the granting of such license do not exist at the time of the complaint, or that the licensed premises are constructed in such a way as not to be in accordance with the requirements of this Act, or that the licensee is not keeping the licensed premises in an orderly manner or in accordance with such requirements, or that he has been guilty of any infraction of this Act for which his license is declared subject to forfeiture, the inspector shall forthwith give notice of such complaint to the licensee and transmit the complaint to the Judge of the county or district court of the county or district in which such licensed premises are situate, and the Judge shall thereupon fix a time and place when he will hear the complaint, and notice in writing of such time and place shall be mailed by the judge or, at the request of the judge, by the clerk of the county or district court, at least ten days before the hearing, to the person complaining and the persons complained against, and the judge shall proceed to hear and summarily determine the matter of the complaint, and the proceedings in and about the same, including the compelling the attendance and hearing of witnesses, shall, as nearly as possible, be the same as in the case of hearing of an action in the county or district court, and the judge shall, if he finds the complaint established, adjudge that such license ought to be revoked and thereupon shall order that the same be revoked and cancelled accordingly; and thereupon the license shall be and become inoperative and of no effect, and the person to

Cancellation
by county
judge where
license
obtained by
fraud, etc.

whom such license is issued, shall thereafter during the full period of two years, be disqualified from obtaining any further or other license under this Act.

Return of
deposit of
complain-
ant.

(2) In the event of the cancellation of a license under subsection 1, the sum of \$20, so deposited with the Treasurer of Ontario, shall be returned to the complainant upon the production of the order of the judge.

DRUGGIST'S WHOLESALE LICENSE.

Druggist's
wholesale
license.

33. A druggist's wholesale license shall be in the form given in Schedule "A" to this Act, and may be granted only to a person, firm or incorporated company carrying on exclusively the wholesale business of selling drugs, patent and proprietary medicines, pharmaceutical preparations and such other goods as are usually sold by wholesale druggists in Canada, and in whose business premises there is a laboratory under the superintendence of a duly registered chemist or druggist, and such license shall become *ipso facto* void in case the holder thereof at any time during the currency of such license directly or indirectly, or by or with any partner, agent or other person, carries on upon the premises to which such license applies the business of a retail dealer in any goods, wares or merchandise.

Limitation
as to quan-
tities.

34. A druggist's wholesale license shall not authorize the sale of liquor in quantities greater than those mentioned in paragraph (c) of section 2 of this Act, or otherwise or in any other place, or to other persons or for other purposes than as mentioned in that paragraph or unless the same is recorded as required by section 36 hereof.

Sale of
alcohol for
mechanical
or scientific
purposes.

35.—(1) No druggist wholesale licensee shall sell any alcohol for mechanical or scientific purposes except upon the affidavit of the applicant which shall be in the form in Schedule "F" to this Act, and which shall set forth that the alcohol is required for mechanical or scientific purposes alone, and not to be used as a beverage or to be mixed with any other liquid for use as a beverage, nor to sell, nor to give away, and that it is intended only for the applicant's own use for mechanical or scientific purposes, and that the applicant is over twenty-one years of age, and shall also set forth the quantity desired.

No more
than one
sale and one
delivery to
be made.

(2) No more than one sale and one delivery shall be made on one affidavit, and the licensee shall file and retain such affidavit in his office and allow the same to be inspected by any person at any time within one year from the date thereof.

36. Every licensee holding a druggist's wholesale license shall keep or cause to be kept an accurate record of each sale and disposal of any liquor made by him, his clerks, servants or agents, in a book to be kept for that purpose, and such record shall be made before the delivery of such liquor and shall show the time when, the name and address of the person to whom the same was made, and the kind and quantity sold.

Record of
sales by
wholesale
druggist
licensee.

37. No sale or other disposal of liquors shall take place on, out of, or from any licensed premises of a licensee holding a druggist's wholesale license, to any person or persons whomsoever, nor shall such licensed premises be open, from or after the hour of seven o'clock on Saturday night until seven o'clock on Monday morning thereafter, or from eight o'clock at night until seven o'clock in the morning on the other days of the week.

Hours of
sale.

DRUGGIST'S RETAIL LICENSE.

38.—(1) A druggist's retail license shall be in the form given in Schedule "B" to this Act and may be granted to a chemist or druggist described in paragraph (b) of section 2 hereof. A druggist's retail license shall not authorize the sale of liquor for any other than medicinal purposes, and then only under a *bona fide* prescription from a duly registered medical practitioner signed by such practitioner, on which prescription no more than one sale of liquor shall be made, and unless the sale be recorded as provided by section 41 of this Act.

Druggist's
retail
license.

(2) A druggist's retail license shall authorize the sale to a dentist personally who is a duly registered member of the Royal College of Dental Surgeons of Ontario, of liquor for use in his profession only, but not in a greater quantity than one pint at one time, and to a veterinary surgeon qualified as provided by *The Veterinary Surgeons Act*, and who is lawfully and regularly engaged in the practice of his profession, for use in his profession only, but not in a greater quantity than one gallon at any one time; provided that in either case such sale shall be recorded as provided by section 41 of this Act.

Sales to
dentist and
veterinary
authorized
under retail
license.

Rev. Stat.
c. 171.

39. Notwithstanding the provisions of the preceding section a druggist retail licensee may under his license sell wine for sacramental purposes, but only to a minister of the gospel, and upon his written or printed request, which shall be in the form in Schedule "G" to this Act.

Sale of wine
for sacra-
mental
purposes.

Prescription
and request
to be kept
and filed.

40. Every such prescription and request shall be retained by the licensee for a period of at least one year, and the licensee shall permit the same to be inspected by any person without charge.

Record of
sales.

41.—(1) Every licensee holding a druggist's retail license shall keep or cause to be kept an accurate record, in a book to be kept for that purpose, of every sale or other disposal made by him, his partner, his clerks, servants or agents of any liquor with or forming an ingredient in such prescription or sold without being mixed with any drug or medicine, and of any wine sold for sacramental purposes, and of any liquor sold to a dentist or veterinary surgeon as aforesaid, and such record shall be made before the delivery of such liquor and shall show the time when, and the name and address of the person to whom such sale or other disposal was made, the kind and quantity sold, and the prescription of such medical practitioner, or the request of the minister of the gospel, and, in default of such sale or disposal being so placed on record, every such sale shall be held to be in contravention of the provisions of this Act.

Conviction
of druggists.

(2) Any druggist who has been twice convicted of illegally selling liquor under this Act shall, in addition to any other penalty or punishment for such offences, be subject to the suspension or cancellation of his certificate authorizing him to carry on the business of a "chemist and druggist" in Ontario, and upon such second conviction, as aforesaid, his said certificate shall, *ipso facto* be void and be of no force or effect whatever for a period of two years from the date of such second conviction, a copy of which shall forthwith be sent to the Registrar of the Ontario College of Pharmacy, and upon the expiration of the said period of two years the Council of such College may, in its discretion, either re-instate such druggist or continue his disability as aforesaid and he shall not, during the whole period of such disability, be eligible as a member, director or shareholder of any incorporated company dealing in drugs or medicine in Ontario.

Return of
records of
sales.

42. Every licensee under this Act shall on the first days of the months of September and March in each year send to the Board a copy of the record mentioned in sections 36 and 41 of this Act for the months not previously returned, verified by his affidavit attached thereto, and such affidavit shall state that no other sales were made during such months save those mentioned in the copy of the record sent to the inspector.

43. Every licensee holding a druggist's wholesale license, who makes any sale of alcohol to any person other than a retail druggist licensee without the affidavit mentioned in section 35 of this Act, and every wholesale druggist licensee who refuses to allow the record required to be kept under the provisions of section 36 of this Act, to be inspected without charge by any person, shall be guilty of an offence against this Act.

Wholesale
licensee
making
unlawful
sales or not
keeping
records.

44. No licensee, and no partner, clerk, agent or servant of such licensee, shall allow any liquor to be consumed or drunk within or upon the licensed premises, but this shall not apply to, or prevent the sale by a retail druggist licensee, of liquor in quantities of not more than six ounces at any one time when the same is required owing to a serious injury or to the fainting of a person who may be brought or shall come into the premises of the druggist or into contiguous premises or in or upon premises adjacent to them, and the same is urgently required for the relief of such person.

Consumption of
liquor on
licensed
premises.

45. Every distiller, brewer or other person licensed by the Government of Canada to manufacture any liquor mentioned in section 54 hereof, and every liquor exporter mentioned in section 55 hereof, and every druggist wholesale licensee, who makes or uses or allows to be made or used any internal communication between the premises in which he is entitled to carry on the business of manufacture or sale of any liquor and any other premises, except by means of electric telephone or telegraph, shall be guilty of an offence and liable to a penalty of \$50 for every day during which such communication exists, and in default of payment to one month's imprisonment for each day as aforesaid.

Communication with
other
premises.

PROHIBITIONS AND REGULATIONS.

46. No person shall by himself, his clerk, servant or agent, expose or keep for sale or directly or indirectly or upon any pretence or upon any device sell or barter or, in consideration of the purchase or transfer of any property or thing, or at the time of the transfer of any property or thing, give to any other person any liquor without having first obtained a license under this Act authorizing him so to do, and then only as authorized by such license and as prescribed by this Act.

Keeping
for sale.

47.—(1) No person by himself, his clerk, servant or agent shall have or keep or give liquor in any place wheresoever, other than in the private dwelling house in which he resides, without having first obtained a license under this Act authorizing him so to do, and then only as authorized by such license.

Liquor not
to be kept in
unauthorized
places.

Alcohol for
mechanical
or scientific
purposes.

(2) This section shall not prevent any person engaged in mechanical business or in scientific pursuits from having in his possession alcohol for mechanical or scientific purposes, as the case may be, in a quantity not exceeding ten gallons at any one time, in addition to alcohol used in the preservation of specimens for scientific purposes, or prevent any minister of the gospel from having in his possession wine for sacramental purposes; but no person in this subsection mentioned shall use or consume or allow to be used or consumed any of the liquor which may so be kept by him as a beverage.

Hospitals.

(3) Nothing in this section shall prevent the keeping in any public hospital or in any private hospital, sanatorium for consumptives, or private sanitarium, liquor for the use of patients, but no such liquor shall be consumed by any person other than a patient, and then only when prescribed or administered by a physician as provided by section 60 of this Act.

Sales under
judicial
process.

48. Nothing in section 46 hereof contained shall apply to sales under execution or other judicial process or for distress, or to sales by assignees or trustees in bankruptcy or insolvency, provided that the stock of liquor is not broken for the purpose of such sale, and nothing in section 58 contained shall prevent common carriers or other persons from carrying or conveying liquor from a place outside of Ontario to a place where the same may be lawfully received and lawfully kept in Ontario, or from a place where such liquor is lawfully kept and lawfully delivered within Ontario to a place outside Ontario, or from a place where such liquor may be lawfully kept and lawfully delivered in Ontario to another place in Ontario where the same may be lawfully kept, or through Ontario from a place outside of it to another place outside of it, but no person during the time such liquor is being carried or conveyed as aforesaid shall open or break or allow to be opened or broken any package or vessel containing the same, or drink or use or allow to be drunk or used any liquor therefrom.

Sale of
native wines.

49.—(1) Subject to any regulations or restrictions which the Lieutenant-Governor in Council may impose, manufacturers of native wines, from grapes grown and produced in Ontario, may sell the same in Ontario, if such wines are sold upon the premises in which they are manufactured and in wholesale quantities only, that is to say in quantities of five gallons in each cask or vessel at any one time and when sold in bottles not less than one dozen bottles of at least three half pints each at any one time, such wines to be wholly removed and not drunk upon the premises.

(2) A manufacturer of native wines who sells such wines otherwise than as permitted by this section or who allows any wine so sold or any part thereof to be drunk upon the premises of such manufacturer shall be guilty of an offence against this Act. Restrictions.

50. Nothing in this Act shall prevent the sale by a druggist or a merchant, or company dealing in drugs and medicines, or a merchant or company dealing in patent or proprietary medicines, of any such medicine in the original and unbroken package, if such medicine contains sufficient medication to prevent the same being used as a beverage. Patent or proprietary medicines.

51.—(1) Nothing in this Act shall prevent the sale Certain tinctures, medicines, perfumes, etc.

(a) by a druggist or by the manufacturer, of

(i) any tincture, fluid extract, essence or medicated spirit containing alcohol prepared according to a formula of the British Pharmacopœia or other recognized standard work on pharmacy, or

(ii) medicine or other similar officinal compound or preparation, or

(iii) a perfume, or

(iv) for purely medicinal purposes, any mixture so prepared containing alcohol and other drugs or medicine; nor

(b) by a merchant who deals in drugs and medicines, of such compounds, mixtures and preparations as are in this subsection hereinbefore mentioned and are so made or put up by a druggist or manufacturer,

by reason only that the same contain alcohol, but this shall only apply to any such compound, mixture and preparation as contains sufficient medication to prevent its use as an alcoholic beverage.

52.—(1) Where the magistrate before whom a complaint is heard finds that any patent or proprietary medicine mentioned or referred to in section 50 or any other medicine, preparation or mixture mentioned or referred to in section 51, has been put up, manufactured or sold as a colourable device for the evasion of the provisions of this Act, the offender shall incur the penalties imposed by Colourable sales.

this Act as in the case of sale of liquor without the license required by law.

Charging
the offence.

(2) It shall not be necessary in the information, summons, warrant, conviction, distress warrant, commitment or other process or proceeding, except the finding or judgment, to set out that such patent or other medicine, preparation or mixture was put up, manufactured or sold as a colourable device for the evasion of this Act, but it shall be sufficient if the complaint and all other necessary statements of the offence allege or refer to the sale of liquor without the license required by law.

Analysis
of patent
medicines
kept by
druggists.

53.—(1) A druggist or other person who keeps patent or proprietary medicines for sale shall, upon request made by the Inspector or other person authorized by the Board, permit such Inspector or other person to take away a sample sufficient for the purpose of analysis of any patent or proprietary medicine kept by him for sale.

Penalty.

(2) Any person who refuses to comply with such a request shall incur a penalty of not less than \$10 nor more than \$40.

Licensed
brewers and
distillers.

54. Nothing herein contained shall prevent any brewer, distiller or other person duly licensed by the Government of Canada, for the manufacture of spirituous, fermented or other liquors, from keeping or having liquor manufactured by him in any building wherein such manufacture is carried on, provided such building does not contravene the provisions of section 45 hereof, or from selling liquor therefrom to a person in another Province or in a foreign country or to a licensee under this Act.

Export sale
warehouses.

55.—(1) Nothing herein contained shall prevent any person from having liquor for export sale in his liquor warehouse, provided such liquor warehouse and the business carried on therein complies with the requirements in subsection 2 hereof mentioned, or from selling from such liquor warehouse to persons in other Provinces or in foreign countries, or to a wholesale licensee under this Act.

Require-
ments as to
building.

(2) The liquor warehouse in this section mentioned shall be suitable for the said business and shall be so constructed and equipped as not to facilitate any violation of this Act, and not connected by any internal way or communication with any other building or any other portion of the same building and shall be a wareroom or building wherein no other commodity or goods than liquor for export from On-

tario or for sale to such wholesale licensees are kept and wherein no other business than keeping or selling liquor as aforesaid is carried on.

56. No person shall use or consume liquor in Ontario purchased and received from any person in Ontario, unless it be purchased and received from a licensee, but this section shall not apply to any person who within a private dwelling house innocently uses or consumes liquor not thus purchased and received.

Use and consumption of liquor procured in Ontario prohibited.

57. For the purpose of evidence, every brewer, distiller or other person licensed by the Government of Canada and mentioned in section 54 hereof, and every liquor exporter mentioned in section 55 hereof, who makes a sale of liquor in Ontario, shall immediately enter in a book to be kept for that purpose the date of such sale, the kind and quantity sold, the person to whom such sale was made and the person or carrier to whom the same was delivered for carriage; and the failure of such person to make, keep and produce as evidence the said entry and record of such sale shall, in any prosecution under this Act of such person for illegally making such sale of liquor, be *prima facie* evidence against such person of having illegally sold such liquor.

Record may be kept by brewers, etc., as evidence.

58. No person shall by himself or his partner, servant, clerk, agent or otherwise, sell or deliver liquors of any kind to any person not entitled to sell liquor and who sells such liquor or who buys for the purpose of reselling, and any violation of the foregoing provision shall be an offence under this Act, and no person shall take or carry, or employ or suffer any other person to take or carry, any liquor out of any premises where the same is lawfully kept for sale for the purpose of being sold in Ontario by any person except a licensee.

Sale for unlawful re-sale.

59. No person shall consume any liquor in or upon any licensed premises or in any liquor warehouse mentioned in section 55 hereof, nor in any distillery or brewery mentioned in section 54 hereof, and no person shall purchase any liquor from any person who is not authorized to sell the same for consumption within the Province, and no person who purchases liquor shall drink or cause anyone to drink or allow such liquor to be drunk upon the premises where the same is purchased.

Consumption on licensed or authorized premises forbidden.

60.—(1) Any physician who is lawfully and regularly engaged in the practice of his profession, and who shall deem any intoxicating liquors necessary for the health of his patients, may give such patient or patients a written or

Rights of medical practitioners.

printed prescription therefor, or may administer the liquor himself; for which purpose he may have liquor in his possession not exceeding in quantity two quarts at any one time, when visiting in the discharge of his professional duties, but no such prescription shall be given or liquors administered, except in cases of actual need, and when in the judgment of such physician the use of liquor is necessary. And every physician who shall give such prescription or administer such liquors in evasion or violation of this Act or who shall give to or write for any person a prescription for or including intoxicating liquor for the purpose of enabling or assisting any person to evade any of the provisions of this Act, or for the purpose of enabling or assisting any person to obtain liquor for use as a beverage, or to be sold or disposed of in any manner in violation of the provisions of this Act, shall be guilty of an offence under this Act.

Medical practitioners not to give a requisition for liquor colourably.

- (a) Any medical practitioner who colourably gives a certificate or requisition for medical purposes, without which liquor could not be lawfully obtained to enable or for the purpose of enabling any person to obtain liquor to drink as a beverage, shall, for the first offence, incur a penalty of not less than \$10 nor more than \$20, and for a second or any subsequent offence, of not less than \$20 nor more than \$40.

Dentists.

(2) Any dentist who is a duly registered member of the Royal College of Dental Surgeons of Ontario and who is lawfully and regularly engaged in the practice of his profession, and who shall deem it necessary that any patient being then under treatment by him should be supplied with liquor as a stimulant or restorative, may himself administer to such patient the liquor thus needed, and for such purpose he may keep in his office a quantity of liquor not exceeding one pint at any one time, but such liquor shall not be administered except in the case of actual need and shall not be drunk or consumed by any other person than such patient, and every such dentist who shall administer such liquor in evasion or violation of this Act shall be guilty of an offence against this Act.

Veterinary surgeons.

(3) Any duly qualified veterinary surgeon may have liquor in his possession for use in his practice not exceeding in quantity one gallon, but no person shall drink or consume any of such liquor.

61. Liquor shall not be given, sold or otherwise supplied Supplying to minors. to any person apparently under the age of twenty-one years, but this shall not apply to the supplying of liquor to a person under the age of twenty-one years for medicinal purposes only by the parent or guardian of such person or by a retail druggist licensee upon the prescription of a duly qualified medical practitioner.

62. Every licensee who

- Receiving anything but cash as consideration.
- (a) receives in payment or part payment or as a pledge for liquor supplied in or from his licensed premises anything except cash or its equivalent; or
- (b) receives payment in advance for any liquor to be supplied

shall incur a penalty of \$20 and in default of payment shall Penalty. be liable to one month's imprisonment and the amount of any payment so made in advance may be recovered by the person making the same, notwithstanding that any liquor may have been supplied subsequently to any payment.

63. Every licensee who knowingly harbours or entertains Harbouring constables. or knowingly suffers to remain on his licensed premises, any constable or peace officer during any part of the time appointed for his being on duty unless for the purpose of keeping or restoring order, or otherwise in the execution of his duty or who supplies any liquor or refreshment whatever by way of gift or sale, to any constable or police officer on duty, shall be guilty of offence against this Act.

64. If any person permits gambling, drunkenness or any Disorderly houses. violent, quarrelsome, riotous, or disorderly conduct to take place in the house or on the premises of which he is owner, tenant or occupant, or gives any liquor to any drunken person, or permits or suffers any drunken person to consume any liquor in the house or on the premises, or permits or suffers persons of bad character to assemble or meet in the house or on the premises, he shall be guilty of an offence against this Act and, in addition to any other punishment provided by law, be liable to the penalty provided by this Act therefor.

65.—(1) Every society, association or club heretofore or Penalty for sale, etc., by clubs. hereafter formed or incorporated, and every unincorporated society, association or club, and every member, officer and servant thereof, or person resorting thereto, who sells or bar-

ters or therein gives liquor to any member thereof or to any other person, and every person who directly or indirectly keeps or maintains, by himself or by associating or combining with any other or others, or in any manner aids, assists or abets in keeping or maintaining, any clubhouse, club or association room or hall or other place in which any liquor is received or kept for the purpose of use, gift, barter or sale as a beverage, or for distribution or division among the members of any society, club or association by any means whatever, and every person who uses, barter, sells or gives away or assists or abets another in bartering, selling or giving away any liquor so received and kept, shall be held to have violated section 46 of this Act and shall incur the penalties provided for the sale of liquor without license.

Keeping
liquor in
clubs.

(2) The keeping or having any liquor in the house, hall or building, or in any room or place occupied or controlled by any such club, association or society, or by any persons associating or combining together as aforesaid, shall be a violation of subsection 1 of section 47 of this Act.

Proof of
consump-
tion on
premises.

(3) Proof of consumption or intended consumption of liquor in such premises by any member of any such club, association or society, or person who resorts thereto, shall be conclusive evidence of sale of such liquor.

Liability of
occupant
and mem-
bers.

(4) The occupant of such premises or any member of the club, association or society, or person who resorts thereto, shall be taken conclusively to be the person who has or keeps or sells therein such liquor and any liquor found on such premises shall be liable to seizure in the manner provided by this Act.

Occupant
of private
dwelling.

66. If the occupant of any private dwelling house or of any part thereof is convicted of any offence against any of the provisions of this Act committed in or in respect of such house the same shall be taken to have ceased to be a private dwelling house within the meaning of this Act during the time the person so convicted occupies the said house or any part thereof.

Fatal
accidents
caused by
use of
liquor.

67.—(1) Whenever any person has drunk liquor to excess and, while in a state of intoxication from such drinking, has come to his death by suicide or drowning, or perishing from cold or other accident caused by such intoxication, the person or persons who furnished or gave the liquor to such person when in a state of intoxication, or on whose premises it was obtained by such intoxicated person while intoxicated, shall be liable to an action for a wrongful act and as a personal wrong, and subject to the provisions of

subsection 2, such action may be brought under *The Fatal Accidents Act*, and the amount which may be recovered as damages shall not be less than \$100 nor more than \$1,500. Rev. Stat. c. 151.

(2) Any such action shall be brought within six months from the date of the death of such intoxicated person and not afterwards Limitation of actions.

(3) Where a person is found upon a street, highway or in any public place in this Province in an intoxicated condition he shall be guilty of an offence against this Act, and upon any prosecution for such offence he shall be compellable to state the name of the person from whom and the place in which he obtained the liquor which caused the intoxication, and in case of his refusal to do so he shall be imprisoned for a period not exceeding three months or until he discloses such information. Person found intoxicated compellable to disclose name of vendor.

(a) In this section "public place" shall include any place, building or public conveyance to which the public habitually resort or to which the public generally are admitted either free or upon payment of any charge or fee or by the purchase of tickets or otherwise.

68. If a person in a state of intoxication assaults any person, or injures any property, the person who furnished him with the liquor which occasioned his intoxication, if such furnishing was in violation of this Act, or otherwise in violation of law, shall be jointly and severally liable to the same action by the person injured as the person intoxicated may be liable to; and the person injured, or his legal representatives, may bring either a joint and several action against the person intoxicated and the person or persons who furnished such liquor or a separate action, against either or any of them. Persons who furnish the liquor liable for certain injuries committed by person intoxicated.

69. Any payment or compensation for liquor furnished in contravention of this Act or otherwise, in violation of law, whether made in money or securities for money, or in labour or property of any kind, shall be held to have been received without any consideration, and against justice and good conscience, and the amount or value thereof may be recovered from the receiver by the party who made the same; and every sale, transfer, conveyance, lien and security, in whole or part, made, granted, or given, for or on account of liquor so furnished in contravention of this Act, or otherwise in violation of law shall be wholly null and void, save only as regards subsequent purchasers or assignees for value, without notice; and no action of any kind shall be maintained, either in whole or in part, for or on account of any liquor so furnished in contravention of this Act, or otherwise in violation of law. Money paid for liquor sold contrary to this Act may not be recovered.

PENALTIES.

Securities,
etc., for
payment to
be void.

70. Every person who offends against any of the provisions contained in sections 7, 37, 44, 46, 47, 48, 58 and 65 of this Act, or in any of them, shall be liable on summary conviction to a penalty for the first offence of not less than \$200 nor more than \$1,000, and in default of immediate payment to imprisonment for not less than three nor more than six months, and if the offence was committed by a licensee or by any person acting under his instructions, or with his privity or consent, he shall also be liable in the discretion of the judge, magistrate, justice or justices of the peace, to have his license forfeited and avoided, and for a second offence to imprisonment for not less than six nor more than twelve months, and if the offence be committed by a licensee or any person acting under his instructions or with his privity or consent the license of such licensee shall thereupon become forfeited and void and he shall be incapable of becoming a licensee under this Act for a period of three years thereafter.

Penalty.

71. Every person who offends against any of the provisions contained in sections 35, 36, 41, 56, 59, 60 and 61 of this Act, or any of them, shall be liable on summary conviction to a penalty for the first offence of not less than \$50 nor more than \$300, and in default of immediate payment to imprisonment for not less than two months nor more than four months, and for the second offence to a penalty of not less than \$100 nor more than \$500, and in default of immediate payment to imprisonment for a term of not less than four months nor more than eight months; and if the offence was committed by a licensee, or by any person acting under his instructions or with his privity or consent, the license of such licensee shall thereupon become forfeited and void, and he shall be incapable of becoming a licensee under this Act for a period of three years thereafter.

Penalty.

72. For every offence against this Act or any of the provisions thereof, for which a penalty or penalties has or have not been specially provided by this Act, the person committing the offence shall be liable on summary conviction to a penalty of not less than \$10 nor more than \$100, and in default of immediate payment to imprisonment for a period of not less than ten days nor more than two months.

ENFORCEMENT AND PROSECUTIONS.

Duty of
enforcing
Act.

73. The duty of seeing that the provisions of this Act are complied with and of enforcing the same and of prosecuting persons offending against such provisions shall devolve upon the Board and the inspectors and other officers appointed pur-

suant to this Act. But nothing herein contained shall prevent or be construed to prevent any person from laying an information or prosecuting in respect of any offence or supposed offence against the provisions of this Act.

74. A provincial inspector shall examine the books and accounts of each local inspector for the purpose of ascertaining whether the same are properly kept and all entries properly made, and shall examine into the accounts and mode of inspection of each inspector and into the way in which he enforces the provisions of this Act, and shall ascertain whether or not the duties of the local inspector are faithfully and efficiently performed, and may hold investigations into the conduct of any local inspector as to the enforcement of this Act or any alleged violation or evasion of it, and for that purpose shall have and may exercise all the powers which may be conferred upon a commissioner appointed under *The Public Inquiries Act*. Duties of Provincial Inspector. Rev. Stat. c. 18.

75. Every local inspector shall perform the duties specially devolving upon him under any provisions of this Act and shall inspect all licensed premises and other premises in his locality where liquor may be lawfully kept for sale, and he shall see that all provisions of this Act are observed and enforced in his district and that all persons offending against such provisions are promptly prosecuted, and he shall perform such other duties as may be assigned to him in respect of this Act and its enforcement by the Board. Duty of Inspectors.

76.—(1) Every inspector and Provincial officer appointed under this Act and every policeman or constable shall be deemed to be within the provisions of this Act, and it shall be his duty to carry out and enforce the same; and, when any information is given to any such inspector, policeman or constable that there is cause to suspect that some person is violating any of the provisions of this Act, it shall be his duty to make diligent inquiry into the truth of such information and to enter complaint, in his own name, of such violation before the proper magistrate, without communicating the name of the person giving such information. Inspectors, policemen, etc., to be within Act.

(2) Every inspector, policeman or constable neglecting or refusing to carry out and enforce this Act shall incur a penalty of \$10, and may be summarily dismissed from office. Penalty.

77. Where any information is given to any officer, policeman, constable, or inspector that there is cause to suspect that some person is contravening any of the provisions of this Act, it shall be his duty to make diligent enquiry into the truth of such information, and to enter complaint of such contravention of this Act. Duties of officers and Crown Attorney's on receiving information of infringement of this Act.

tion before the proper Court, without communicating the name of the person giving such information; and it shall be the duty of the Crown Attorney within the county in which the offence is committed to attend to the prosecution of all cases committed to him by an inspector or officer appointed under this Act by the Lieutenant-Governor.

Right of
search.

78.—(1) Any officer, policeman, constable or inspector may, for the purpose of preventing or detecting the contravention of any of the provisions of this Act which it is his duty to enforce, at any time enter into any and every part of any place of public entertainment, shop, warehouse or other place wherein refreshments or liquors are sold, or reputed to be sold, and may make searches in every part thereof and of the premises connected therewith, as he may think necessary for such purpose.

Penalty for
refusing to
admit officer.

(2) Every person being therein, or having charge thereof, who refuses or fails to admit such officer, policeman, or constable, or inspector demanding to enter in pursuance of this section in the execution of his duty, or who obstructs or attempts to obstruct the entry of such officer, policeman, constable or inspector, or any such searches as aforesaid, shall be guilty of an offence against this Act.

Search
warrant.

79. Any magistrate having jurisdiction upon information by any officer, policeman, constable or inspector that there is reasonable ground for belief that any liquor is being kept for sale or disposal contrary to the provisions of this Act in any house or place within the jurisdiction of such magistrate, may issue a warrant under his hand, by virtue whereof the person named in such warrant or any constable to whom it is directed or delivered, at any time or times within ten days from the date thereof, may enter, and, if need be, by force, the place named in the warrant, and every part thereof, or of the premises connected therewith, and examine the same and search for liquor therein; and for this purpose the person executing the warrant may, with such assistance as he deems expedient, break open any door, lock, or fastening of such premises, or any part thereof, or of any closet, cupboard, box or other receptacle likely to contain any such liquor; and in the event of any liquor being so found on the said premises, the occupant thereof shall, until the contrary is proved, be deemed to have kept such liquor for the purpose of sale contrary to the provisions of section 46.

Unlawful
keeping of
liquor to be
evidence of
illegal deal-
ings therein.

80.—(1) Where any inspector, policeman, constable or officer in making or attempting to make any search under or in pursuance of the authority conferred by the next preceding two sections or under the warrant mentioned in the next preceding section, finds in an unlicensed house or place any liquor which in his opinion is unlawfully kept for sale or disposal contrary to this Act, he may forthwith seize and remove the same, and the vessels in which the same is kept, and upon the conviction of the occupant of such house or place, or of any other person for keeping liquor for sale in such house or place without license, the magistrate making such conviction, may in and by such conviction, or by a separate or subsequent order, declare such liquor and vessels, or any part thereof, to be forfeited to His Majesty, to be destroyed or otherwise dealt with in such manner as the Minister may direct.

Seizure of
liquor
found on
unlicensed
premises.

(2) Any inspector, policeman, constable or officer having in pursuance of the next two preceding sections or either of them entered any unlicensed premises in which he seizes or from which he removes any liquor, may demand the name and address of any person found therein, and if such person refuses to give his name and address, or if the inspector, policeman, constable or officer has reasonable ground to suppose that the name or address given is false, may examine such person further as to the correctness of such name or address, and may if such person fails upon such demand to give his name or address or to answer satisfactorily the questions put to him by the inspector, policeman, constable or officer, apprehend him without warrant and carry him, as soon as practicable, before a Justice of the Peace.

Officer may
demand
names and
addresses of
frequenters
of unlicensed
premises.

(3) Any person so found on the premises who in answer to the inspector, policeman, constable or officer, refuses to give his name and address or gives a false name or address, or gives false information with respect to such name or address, or fails to answer satisfactorily the questions put to him by the inspector, policeman, constable or officer, shall incur a penalty of not less than \$10 nor more than \$20, and in default of payment shall be imprisoned for a period of not less than twenty and not more than forty days.

Penalty upon
persons
found.

81. If the occupant or other person as aforesaid be not convicted of keeping the liquor or any part thereof for sale, the inspector, policeman, constable or officer so seizing the liquor shall return the same to the place where such seizure was made; and he and any other person acting with him, or by or under his direction, and the policeman, constable or

If no conviction
liquor,
shall be
returned.

Rev. Stat. c. 89. other officer so acting shall be a public officer within the meaning of *The Public Authorities Protection Act*.

Right to
seize liquor
in transit.

82.—(1) Where an inspector, policeman, constable or officer finds liquor in transit or in course of delivery upon the premises of any railway company, or at any wharf, railway station, express office, warehouse or other place, and believes that such liquor is to be sold or kept for sale in contravention of this Act, he may forthwith seize and remove the same together with the package or packages in which such liquor is contained.

Or to search
vehicle and
lands for
liquor.

(2) Any inspector, policeman, constable or officer, if he believes that liquor intended for sale or to be kept for sale in contravention of this Act, is contained in any vehicle on a public highway or elsewhere, or is concealed upon the land of any person, may enter and search such vehicle, and may enter upon and search such land and seize and remove any liquor found there and the vessels in which the same is kept; or if he finds either upon the public highway or elsewhere, any trunk, box, valise, bag or other receptacle whatever which he believes contains liquor for sale in contravention of this Act he may forthwith seize and remove the same together with the package or packages in which such liquor is contained whether in the custody of or under the control of any person or not.

Proceedings
before a
justice in
such case.

(3) Where liquor has been seized under subsection 1 or subsection 2 the person seizing the same shall give information under oath before a justice of the peace, who shall thereupon issue his summons directed to the shipper, consignee or owner of the liquor if known, calling on him to appear at a time and place named in the summons and show cause why such liquor should not be destroyed or otherwise dealt with as provided by this Act.

Service of
summons.

(4) It shall be sufficient service of the summons if the same is delivered to the shipper, consignee or owner, or be left with some grown-up person at the express office, railway station or other place in which the liquor is found or to the owner of the lands on which the same is found.

When re-
turnable.

(5) The summons shall be made returnable within thirty days after the service thereof.

Evidence.

(6) At the time and place named in the summons any person who claims that the liquor is his property and that the same is not intended to be sold or kept for sale in viola-

tion of this Act may appear and give evidence before the justice, and the justice shall receive such evidence and the evidence of the person who seized the liquor and such other evidence as may be adduced in the same manner as upon a complaint or information made under this Act.

(7) If no person claims to be the owner of the liquor, or if the justice disallows such claim, and finds that it was intended that such liquor was to be sold or kept for sale in contravention of this Act he may order that such liquor and any vessels containing the same shall be forfeited to His Majesty to be destroyed or otherwise dealt with in such manner as the Minister may direct.

(8) If the justice finds that the claim of any person to be the owner of the liquor is established, and that it does not appear that it was intended to sell or keep such liquor for sale in contravention of this Act he shall dismiss the complaint and order that such liquor be restored to the owner.

(9) If it appears to the justice that such liquor or any part thereof was consigned to some person in a fictitious name or was shipped as other goods, or was covered or concealed in such manner as would probably render discovery of the nature of the contents of the vessel, cask or package in which the same was contained more difficult, it shall be *prima facie* evidence that the liquor was intended to be sold or kept for sale in contravention of this Act.

(Note.—*Liquor seized under this Act cannot be replevied.* See *The Replevin Act.*)

83. Any liquor forfeited under this Act to His Majesty and directed by the Minister to be sold shall be sold to a license holder only and the proceeds after the payment of any lawful costs of carriage and the expenses of the seizure and sale shall be paid to the Treasurer of Ontario for the use of the Province.

PROSECUTIONS.

84. Except so far as otherwise expressly provided by this Act, the penalties imposed by or under the authority of this Act shall be recoverable under *The Ontario Summary Convictions Act*; and the provisions of the said Act shall apply to every prosecution hereunder.

Interference
of magis-
trates.

85. When any prosecution under this Act is brought for hearing and determination before any police magistrate, no other magistrate shall sit or take part therein except for the purposes of making a remand or adjournment by reason of the absence of such police magistrate.

Interference
with
Justice of
Peace.

86. If such prosecution be brought for hearing and determination before a justice of the peace, no other justice shall sit or take part therein, except in his absence or at his request.

Including
several
charges in
one in-
formation.

87. Several charges of contravention of this Act committed by the same person on the same day may be included in one and the same information or complaint; provided that such information and complaint and the summons issued thereon contain the time and place of each contravention.

Sufficient
description
of offence.

88. The description of any offence under this Act in the words of this Act or in words of like effect, shall be sufficient in law; and any exception, exemption, proviso, excuse or qualification, whether it does or does not accompany the description of the offence in this Act, may be proved by the defendant, but need not be specified or negatived in the information; but, if it be so specified or negatived, no proof in relation to the matter so specified or negatived shall be required on the part of the informant or complainant.

Particulars
to be
stated in
charge.

89. In describing offences respecting the sale or keeping for sale or other disposal of liquor, or the having, keeping, giving, purchasing, receiving or the consumption of liquor, in any information, summons, conviction, warrant or proceeding under this Act, it shall be sufficient to state the sale, or keeping for sale or disposal, having, keeping, giving, purchasing, receiving or consumption of liquor simply, without stating the name or kind of such liquor, or the price thereof, or any person to whom it was sold or disposed of, or by whom it was taken or consumed, or from whom it was purchased or received, and it shall not be necessary to state the quantity of liquor so sold, kept for sale, disposed of, had, kept, given or consumed, except in the case of offences where the quantity is essential, and then it shall be sufficient to allege the sale or disposal of more or less than such quantity.

Powers as
to amend-
ment.

90. Notwithstanding anything in this Act, at any time before judgment the magistrate or justice or justices may amend or alter any information and may substitute for the offence charged therein any other offence against the provisions of this Act; but, if it appears that the defendant

has been materially misled by such amendment, the said magistrate, justice or justices, shall thereupon adjourn the hearing of the case to some future day, unless the defendant waives such adjournment.

91. In any prosecution under this Act the police magistrate, justice or justices of the peace, trying the case, may summon any person represented to him as a material witness, in relation thereto; and, if such person refuse or neglect to attend pursuant to such summons, the police magistrate, justice or justices of the peace may issue his warrant for the arrest of such person; and he shall thereupon be brought before the police magistrate, justice or justices of the peace, and, if he refuses to be sworn or to affirm, or to answer any question touching the case, he may be committed to the common gaol of the county or judicial district or to a lock-up, there to remain until he consents to be sworn or to affirm and to answer. Compelling attendance of witnesses.

92. Any person summoned as a party to, or as a witness in, any proceeding under this Act may, by the summons, be required to produce at the time and place appointed for his attendance all books and any papers, accounts, deeds and other documents including a license, in his possession, custody or control relating to any matter connected with the said proceeding, and shall be liable to the same penalties for non-production of such books, papers or documents as he would incur by refusal or neglect to attend pursuant to such summons, or to be sworn or answer any question touching the case. Production of documents.

93. In any prosecution or proceeding under this Act, in which proof is required respecting the issue, transfer or cancellation of any license, a certificate under the hand of a member of the Board shall be *prima facie* proof of the existence, transfer or cancellation of such license, as the case may be, and, in case of issue or transfer, of the person to whom the same was granted or transferred; and the production of such certificate shall be sufficient *prima facie* evidence of the facts therein stated, and of the authority of the member of the Board, without any proof of his appointment or signature. Proof of license.

94. Any house, shop, room or other place in which it is proved that there exists a beer pump, or any other appliance similar to those usually found in hotels and shops where liquors are accustomed to be sold or trafficked in, other than those of common use in private houses, shall be *prima facie* Prima facie evidence of sale.

evidence that it is a place in which liquors are kept or had for the purpose of being sold, bartered or traded in, in contravention of this Act; and the occupant of such house, shop, room or other place shall be taken to be the person who has or keeps therein such liquors for sale, traffic or barter therein.

Proof of
considera-
tion for
illegal sale
unneces-
sary.

95. In proving the sale or disposal, giving, purchasing or receiving gratuitously or otherwise, or consumption of liquor, for the purpose of any proceeding relative to any offence under this Act, it shall not be necessary to show that any money actually passed, or any liquor was actually consumed, if the magistrate or justice or justices hearing the case is or are satisfied that a transaction in the nature of a sale or other disposal, giving, purchasing or receiving actually took place, or that any consumption of liquor was about to take place; and proof of consumption or intended consumption of liquor on premises on which such consumption is prohibited, by some person not authorized to consume liquor thereon, shall be evidence that such liquor was sold or given to the person consuming or being about to consume, or carry away the same, as against the occupant of the said premises.

Liability of
occupant.

96. The occupant of any house, shop, room or other place in which any sale, barter or traffic, having, keeping or giving liquor, or any matter, act or thing, in contravention of any of the provisions of this Act, has taken place, shall be personally liable to the penalty and punishments prescribed by this Act, notwithstanding such sale, barter or traffic, having, keeping or giving be made by some other person who cannot be proved to have so acted on, under or by, the directions of such occupant, and proof of the fact of such sale, barter or traffic, having, keeping or giving, or other act, matter or thing by any person in the employ of such occupant or who is suffered to be or remain in or upon the premises of such occupant, or to act in any way for such occupant, shall be *prima facie* evidence that such sale, barter, traffic, having, keeping or giving or other act, matter or thing took place with the authority and by the direction of such occupant.

Burden of
proof of
right to
sell.

97. The burden of proving the right to have or keep or sell or give liquor shall be on the person accused of improperly or unlawfully having or keeping or selling or giving such liquor.

Precise
description
of liquor
unneces-
sary.

98. In any prosecution under this Act in respect of any sale, purchase, disposal, giving, having, keeping or receiving of liquor, it shall not be necessary that any witness depose

directly to the precise description of the liquor sold, purchased, disposed of, given, had, kept or received, or the precise consideration, if any, therefor.

99. In any prosecution under this Act whenever it appears that the defendant has done any act or been guilty of any omission in respect of which, were he not duly licensed, he would be liable to some penalty under this Act, it shall be incumbent upon the defendant to prove that he is duly licensed and that he did the said act lawfully.

Onus of
proof of
license.

100. If, in the prosecution of any person charged with committing an offence against any of the provisions of this Act in the selling or keeping for sale or giving or keeping or having or purchasing or receiving of liquor, *prima facie* proof is given that such person had in his possession or charge or control any liquor in respect of, or concerning which, he is being prosecuted then unless such person prove that he did not commit the offence with which he is so charged he may be convicted accordingly.

Proof of
possession
prima facie
evidence
of offence.

101. The fact of any person who is not the holder of a license under this Act keeping up any sign, writing, printing or other mark, in or near to his house or premises, or having such house fitted up with a bar or other place containing bottles or casks displayed so as to induce a reasonable belief that such house or premises is or are licensed for the sale of any liquor or that liquor is sold or served therein, or that there is on such premises more liquor than is reasonably required for the persons residing therein, shall be deemed *prima facie* evidence of the unlawful sale and keeping for sale and having and keeping of liquor by such person.

Signs and
fittings
prima facie
evidence.

102. In any prosecution under this Act the production by the inspector or any officer of the Crown or by any other person concerned in such prosecution of a certificate signed or purporting to be signed by the Government analyst as to the analysis of any liquor and of an affidavit attesting the signature of such analyst, shall be conclusive evidence of the facts stated in such certificate.

Certificate
of govern-
ment
analyst
as evidence.

103.—(1) In any prosecution under this Act, if the inspector attends the court as prosecutor or witness and travels to attend such court a distance of more than three miles from his place of residence, the magistrate trying the case may tax against the defendant, in case of conviction, as

Inspector's
expenses to
be allowed
for attend-
ing court.
27-28 Vict.
c. 18,
R. S. C.,
c. 152.

costs in the cause to cover railway fare or hire of conveyance of the inspector in attending the said prosecution,

- | | |
|------------------------|---|
| Railway or stage fare. | (a) if the inspector travels by railway or stage the fares actually required to be paid by him; |
| Hired conveyance. | (b) if by a hired conveyance, the sums actually required to be paid for a horse, conveyance and tolls; |
| His own conveyance. | (c) if in his own conveyance, ten cents per mile one way; |
| Other expenses. | (d) to cover all other expenses \$1 per day; and |
| Adjournments. | (e) in cases of adjournment at the instance of the defendant, similar additional allowances, where the inspector is actually in attendance. |
- Verification. (2) The mileage or other expenses shall be verified by the affidavit of the inspector.
- Inspector to make quarterly returns. (3) The inspector shall make quarterly returns in detail under oath to the Board of all sums received by him for mileage, and other expenses, in this section provided for.

APPEALS.

- Conviction of Justice final except as otherwise provided. **104.**—(1) In any prosecution for any offence against any provision of this Act for which any penalty or punishment is prescribed, a conviction or order of the magistrate, except as hereinafter mentioned, shall be final and conclusive.
- Procedure on appeals. (2) Subject to the provisions of the following subsections an appeal shall lie to the Judge of the county or district court of the county or district in which the conviction is made, sitting in Chambers without a jury, in all cases where the person convicted is a licensee or the conviction is for any offence committed on or with respect to premises licensed under this Act, if a notice of such appeal is given to the prosecutor or complainant within five days after the date of the conviction.
- Appellant to enter into a recognizance. (3) The person convicted, in case he is in custody, shall either remain in custody until the hearing of such appeal before the Judge, or, where the penalty of imprisonment with or without hard labour is adjudged, shall enter into a recognizance of two sufficient sureties, in the sum of \$200 each, before the convicting magistrate, conditioned person-

has been materially misled by such amendment, the said magistrate, justice or justices, shall thereupon adjourn the hearing of the case to some future day, unless the defendant waives such adjournment.

91. In any prosecution under this Act the police magistrate, justice or justices of the peace, trying the case, may summon any person represented to him as a material witness, in relation thereto; and, if such person refuse or neglect to attend pursuant to such summons, the police magistrate, justice or justices of the peace may issue his warrant for the arrest of such person, and he shall thereupon be brought before the police magistrate, justice or justices of the peace, and, if he refuses to be sworn or to affirm, or to answer any question touching the case, he may be committed to the common gaol of the county or judicial district or to a lock-up, there to remain until he consents to be sworn or to affirm and to answer. ^{Compelling attendance of witnesses.}

92. Any person summoned as a party to, or as a witness in, any proceeding under this Act may, by the summons, be required to produce at the time and place appointed for his attendance all books and any papers, accounts, deeds and other documents including a license, in his possession, custody or control relating to any matter connected with the said proceeding, and shall be liable to the same penalties for non-production of such books, papers or documents as he would incur by refusal or neglect to attend pursuant to such summons, or to be sworn or answer any question touching the case. ^{Production of documents.}

93. In any prosecution or proceeding under this Act, in which proof is required respecting the issue, transfer or cancellation of any license, a certificate under the hand of a member of the Board shall be *prima facie* proof of the existence, transfer or cancellation of such license, as the case may be, and, in case of issue or transfer, of the person to whom the same was granted or transferred; and the production of such certificate shall be sufficient *prima facie* evidence of the facts therein stated, and of the authority of the member of the Board, without any proof of his appointment or signature. ^{Proof of license.}

94. Any house, shop, room or other place in which it is proved that there exists a beer pump, or any other appliance similar to those usually found in hotels and shops where liquors are accustomed to be sold or trafficked in, other than those of common use in private houses, shall be *prima facie* ^{Prima facie evidence of sale.}

evidence that it is a place in which liquors are kept or had for the purpose of being sold, bartered or traded in, in contravention of this Act; and the occupant of such house, shop, room or other place shall be taken to be the person who has or keeps therein such liquors for sale, traffic or barter therein.

Proof of consideration for illegal sale unnecessary.

95. In proving the sale or disposal, giving, purchasing or receiving gratuitously or otherwise, or consumption of liquor, for the purpose of any proceeding relative to any offence under this Act, it shall not be necessary to show that any money actually passed, or any liquor was actually consumed, if the magistrate or justice or justices hearing the case is or are satisfied that a transaction in the nature of a sale or other disposal, giving, purchasing or receiving actually took place, or that any consumption of liquor was about to take place; and proof of consumption or intended consumption of liquor on premises on which such consumption is prohibited, by some person not authorized to consume liquor thereon, shall be evidence that such liquor was sold or given to the person consuming or being about to consume, or carry away the same, as against the occupant of the said premises.

Liability of occupant.

96. The occupant of any house, shop, room or other place in which any sale, barter or traffic, having, keeping or giving liquor, or any matter, act or thing, in contravention of any of the provisions of this Act, has taken place, shall be personally liable to the penalty and punishments prescribed by this Act, notwithstanding such sale, barter or traffic, having, keeping or giving be made by some other person who cannot be proved to have so acted on, under or by, the directions of such occupant, and proof of the fact of such sale, barter or traffic, having, keeping or giving, or other act, matter or thing by any person in the employ of such occupant or who is suffered to be or remain in or upon the premises of such occupant, or to act in any way for such occupant, shall be *prima facie* evidence that such sale, barter, traffic, having, keeping or giving or other act, matter or thing took place with the authority and by the direction of such occupant.

Burden of proof of right to sell.

97. The burden of proving the right to have or keep or sell or give liquor shall be on the person accused of improperly or unlawfully having or keeping or selling or giving such liquor.

Precise description of liquor unnecessary.

98. In any prosecution under this Act in respect of any sale, purchase, disposal, giving, having, keeping or receiving of liquor, it shall not be necessary that any witness depose

directly to the precise description of the liquor sold, purchased, disposed of, given, had, kept or received, or the precise consideration, if any, therefor.

99. In any prosecution under this Act whenever it appears that the defendant has done any act or been guilty of any omission in respect of which, were he not duly licensed, he would be liable to some penalty under this Act, it shall be incumbent upon the defendant to prove that he is duly licensed and that he did the said act lawfully.

Onus of
proof of
license.

100. If, in the prosecution of any person charged with committing an offence against any of the provisions of this Act in the selling or keeping for sale or giving or keeping or having or purchasing or receiving of liquor, *prima facie* proof is given that such person had in his possession or charge or control any liquor in respect of, or concerning which, he is being prosecuted then unless such person prove that he did not commit the offence with which he is so charged he may be convicted accordingly.

Proof of
possession
prima facie
evidence
of offence.

101. The fact of any person who is not the holder of a license under this Act keeping up any sign, writing, printing or other mark, in or near to his house or premises, or having such house fitted up with a bar or other place containing bottles or casks displayed so as to induce a reasonable belief that such house or premises is or are licensed for the sale of any liquor or that liquor is sold or served therein, or that there is on such premises more liquor than is reasonably required for the persons residing therein, shall be deemed *prima facie* evidence of the unlawful sale and keeping for sale and having and keeping of liquor by such person.

Signs and
fittings
prima facie
evidence.

102. In any prosecution under this Act the production by the inspector or any officer of the Crown or by any other person concerned in such prosecution of a certificate signed or purporting to be signed by the Government analyst as to the analysis of any liquor and of an affidavit attesting the signature of such analyst, shall be conclusive evidence of the facts stated in such certificate.

Certificate
of government
analyst
as evidence.

103.—(1) In any prosecution under this Act, if the inspector attends the court as prosecutor or witness and travels to attend such court a distance of more than three miles from his place of residence, the magistrate trying the case may tax against the defendant, in case of conviction, as

Inspector's
expenses to
be allowed
for attend-
ing court.
27-28 Vict.
c. 18,
R. S. C.,
c. 152.

costs in the cause to cover railway fare or hire of conveyance of the inspector in attending the said prosecution,

- | | |
|------------------------|---|
| Railway or stage fare. | (a) if the inspector travels by railway or stage the fares actually required to be paid by him; |
| Hired conveyance. | (b) if by a hired conveyance, the sums actually required to be paid for a horse, conveyance and tolls; |
| His own conveyance. | (c) if in his own conveyance, ten cents per mile one way; |
| Other expenses. | (d) to cover all other expenses \$1 per day; and |
| Adjournments. | (e) in cases of adjournment at the instance of the defendant, similar additional allowances, where the inspector is actually in attendance. |
- Verification. (2) The mileage or other expenses shall be verified by the affidavit of the inspector.
- Inspector to make quarterly returns. (3) The inspector shall make quarterly returns in detail under oath to the Board of all sums received by him for mileage, and other expenses, in this section provided for.

APPEALS.

- Conviction of Justice final except as otherwise provided. **104.**—(1) In any prosecution for any offence against any provision of this Act for which any penalty or punishment is prescribed, a conviction or order of the magistrate, except as hereinafter mentioned, shall be final and conclusive.
- Procedure on appeals. (2) Subject to the provisions of the following subsections an appeal shall lie to the Judge of the county or district court of the county or district in which the conviction is made, sitting in Chambers without a jury, in all cases where the person convicted is a licensee or the conviction is for any offence committed on or with respect to premises licensed under this Act, if a notice of such appeal is given to the prosecutor or complainant within five days after the date of the conviction.
- Appellant to enter in to a recognizance. (3) The person convicted, in case he is in custody, shall either remain in custody until the hearing of such appeal before the Judge, or, where the penalty of imprisonment with or without hard labour is adjudged, shall enter into a recognizance of two sufficient sureties, in the sum of \$200 each, before the convicting magistrate, conditioned person-

ally to appear before the Judge, and to try such appeal and abide by his judgment thereupon, and to pay such costs as he may order; and if the appeal is against a conviction or deposit whereby only a penalty or sum of money is adjudged to be paid, the appellant may, although the order directs imprisonment in default of payment, instead of remaining in custody as aforesaid, enter into such recognizance, or may deposit, with the magistrate convicting the amount of the penalty and costs, and a further sum of \$25 to answer the respondent's costs of appeal.

(4) Upon the recognizance being entered into or deposit made, the magistrate shall liberate such person if in custody and shall forthwith deliver or transmit by registered post, the depositions and papers in the case, with the recognizance or deposit, as the case may be, to the clerk of the county or district court of the county or district wherein such conviction was had. Justices to transmit deposition to Clerk of County Court.

(5) The appellant shall pay to the clerk of the court, for his attendance and services in connection with such appeal, the sum of \$1, and the same may be taxed as costs in the cause. Clerk's fees.

(6) An appeal shall lie to the Judge of the county or district court of the county or district in which an order of dismissal is made, sitting in Chambers without a jury, where the Attorney-General of Ontario so directs in all cases in which an order has been made by a magistrate dismissing an information or complaint laid by an inspector or by any one on his behalf for contravention of any of the provisions of this Act if notice of such appeal is given to the defendant or his solicitor within fifteen days after the date of such order of dismissal. Appeals in dismissed cases.

(7) Within ten days after service of the notice of appeal the Judge shall grant a summons calling upon the defendant and the magistrate making the order to show cause why the order of dismissal should not be reversed and the case reheard. Summons to show cause.

(8) Upon the return of the summons the Judge, upon hearing the parties, may either affirm or quash the order, or if he thinks fit may hear the evidence of such other witnesses as may be produced before him, or the further evidence of any witnesses already examined, and may make an order affirming the order of dismissal, or may reverse such order Order of Judge on return of summons.

and convict the defendant and may impose such fine and costs or other penalty as is provided by this Act, and the order so made shall have the same effect and shall be enforced in the same manner as is provided in the case of a conviction before a magistrate under this Act.

Rev. Stat.
c. 90 to
apply.

(9) The practice and procedure upon such appeals, and all the proceedings thereon, shall thenceforth be governed by *The Ontario Summary Convictions Act*, so far as the same is not inconsistent with this Act.

Costs on
appeal from
conviction.

27-28 Vict.
c. 18.
R. S. C.
c. 152.

105. On an appeal from a conviction or order, to the County or District Judge under this Act, where costs are directed to be paid by either party, no greater costs shall be taxable by or against either party as between party and party than the sum of \$10, and the actual and necessary disbursements in procuring the attendance of witnesses and the fees to which the clerk of the peace is lawfully entitled; and the fees chargeable by the clerk of the peace upon any such appeal shall not exceed the sum of \$2.

Appeal to
Divisional
Court.

106.—(1) An appeal by the inspector, or other prosecutor, shall lie to a Divisional Court of the Appellate Division of the Supreme Court of Ontario from the decision, judgment, or order of any Judge of a county or district court upon an appeal from any conviction or order made in a case arising out of or under this Act in which a conviction or order has been quashed, or set aside, upon the ground, directly or indirectly, of the invalidity of any Act of this Legislature, or of any part thereof, or from the decision, judgment or order of the Judge of a county or district court in any other case arising out of or under this Act in which the Attorney-General of Ontario certifies that he is of opinion that the matters in dispute are of sufficient importance to justify an appeal.

Notice.

(2) Such appeal shall be had upon notice thereof to be given to the opposite party of the intention to appeal within eight days, or where the certificate of the Attorney-General is necessary, and is obtained, within fifteen days after such judgment, decision or order has been made.

Transmitting
papers.

(3) The clerk of the county or district court shall certify the judgment, conviction, orders and all other proceedings, to the proper officer of the Supreme Court, at Toronto, for use upon the appeal.

(4) The Divisional Court shall thereupon hear and determine the appeal, and shall make such order for carrying into effect the judgment of the court as the court shall think fit. Hearing appeal.

107.—(1) An appeal to the Appellate Division of the Supreme Court shall lie from any judgment or decision of a Judge of the Supreme Court, upon any application to quash a conviction made under this Act, or to discharge a prisoner who is held in custody under any such conviction, whether such conviction is quashed or the prisoner discharged, or the application is refused; but no such appeal shall lie, unless the Attorney-General of Ontario certifies that he is of opinion that the point in dispute is of sufficient importance to justify the case being appealed. Appeal in certain cases to Divisional Court.

(2) Upon such certificate being produced to one of the Registrars of the High Court Division, he shall certify under the seal of the Supreme Court the proceedings returned to or had before or in the said Court, to the Registrar of the Appellate Division, and a Divisional Court shall thereupon hear and determine the appeal, without any formal pleadings, and shall make such order for carrying into effect the judgment of the said Court as the circumstances of the case may require. Certifying proceedings to Appellate Division.

CASES OF SEVERAL CONVICTIONS.

108. The proceedings upon any information for an offence against any of the provisions of this Act in a case where a previous conviction or convictions are charged, shall be as follows:— Procedure where previous convictions charged.

- (a) The magistrate, justice or justices of the peace shall in the first instance inquire concerning such subsequent offence only, and if the accused be found guilty thereof he shall then be asked whether he was so previously convicted as alleged in the information and, if he answers that he was so previously convicted, he shall be sentenced accordingly; but, if he denies that he was so previously convicted or does not answer such question, the judge, magistrate or justice shall then inquire concerning such previous conviction or convictions.

(b) Such previous convictions may be proved *prima facie* by the production of a certificate purporting to be under the hand of the convicting magistrate, justice or justices of the peace, or clerk of the peace to whose office the conviction has been returned, without proof of signature or official character.

(c) In the event of any conviction for any second or subsequent offence becoming void or defective after the making thereof by reason of any previous conviction being set aside, quashed or otherwise rendered void, the magistrate, justice or justices of the peace by whom such second or subsequent conviction was made shall summon the person convicted to appear at a time and place to be named therein and shall thereupon, upon proof of the due service of such summons if such person fails to appear, or on his appearance, amend such second or subsequent conviction and adjudge such penalty or punishment as might have been adjudged had such previous conviction never existed; and such amended conviction shall thereupon be held valid to all intents and purposes as if it had been made in the first instance.

(d) In case any person, who has been convicted of a contravention of any provision of any of the sections of this Act mentioned in section 70 hereof, is afterwards convicted of an offence against any provision of any of the said sections, such conviction shall be deemed a conviction for a second offence within the meaning of the said section and shall be dealt with and punished accordingly, although the two convictions may have been under different sections.

Duty of
inspector as
to second
offences.

109.—(1) Whenever a prosecution is brought against any person under this Act for an offence of which he has been previously convicted and for which a different or greater penalty is imposed in the case of a second or any subsequent offence, the inspector shall prosecute as for a second or subsequent offence according to the fact.

Penalty.

(2) Any inspector who knowingly or wilfully contravenes the provisions of this section shall incur a penalty of not less than \$20 nor more than \$50.

One con-
viction for
several
offences.

110. One conviction for several offences, in which a separate penalty is provided for each, may be made under this Act where the offences may have been committed on the same

ally to appear before the Judge, and to try such appeal and abide by his judgment thereupon, and to pay such costs as he may order; and if the appeal is against a conviction or deposit whereby only a penalty or sum of money is adjudged to be paid, the appellant may, although the order directs imprisonment in default of payment, instead of remaining in custody as aforesaid, enter into such recognizance, or may deposit, with the magistrate convicting the amount of the penalty and costs, and a further sum of \$25 to answer the respondent's costs of appeal.

(4) Upon the recognizance being entered into or deposit made, the magistrate shall liberate such person if in custody and shall forthwith deliver or transmit by registered post, the depositions and papers in the case, with the recognizance or deposit, as the case may be, to the clerk of the county or district court of the county or district wherein such conviction was had. Justices to transmit deposition to Clerk of County Court.

(5) The appellant shall pay to the clerk of the court, for his attendance and services in connection with such appeal, the sum of \$1, and the same may be taxed as costs in the cause. Clerk's fees.

(6) An appeal shall lie to the Judge of the county or district court of the county or district in which an order of dismissal is made, sitting in Chambers without a jury, where the Attorney-General of Ontario so directs in all cases in which an order has been made by a magistrate dismissing an information or complaint laid by an inspector or by any one on his behalf for contravention of any of the provisions of this Act if notice of such appeal is given to the defendant or his solicitor within fifteen days after the date of such order of dismissal. Appeals in dismissed cases.

(7) Within ten days after service of the notice of appeal the Judge shall grant a summons calling upon the defendant and the magistrate making the order to show cause why the order of dismissal should not be reversed and the case reheard. Summons to show cause.

(8) Upon the return of the summons the Judge, upon hearing the parties, may either affirm or quash the order, or if he thinks fit may hear the evidence of such other witnesses as may be produced before him, or the further evidence of any witnesses already examined, and may make an order affirming the order of dismissal, or may reverse such order Order of Judge on return of summons.

and convict the defendant and may impose such fine and costs or other penalty as is provided by this Act, and the order so made shall have the same effect and shall be enforced in the same manner as is provided in the case of a conviction before a magistrate under this Act.

Rev. Stat.
c. 90 to
apply.

(9) The practice and procedure upon such appeals, and all the proceedings thereon, shall thenceforth be governed by *The Ontario Summary Convictions Act*, so far as the same is not inconsistent with this Act.

Costs on
appeal from
conviction.

27-28 Vict.
c. 18.
R. S. C.
c. 152.

105. On an appeal from a conviction or order, to the County or District Judge under this Act, where costs are directed to be paid by either party, no greater costs shall be taxable by or against either party as between party and party than the sum of \$10, and the actual and necessary disbursements in procuring the attendance of witnesses and the fees to which the clerk of the peace is lawfully entitled; and the fees chargeable by the clerk of the peace upon any such appeal shall not exceed the sum of \$2.

Appeal to
Divisional
Court.

106.—(1) An appeal by the inspector, or other prosecutor, shall lie to a Divisional Court of the Appellate Division of the Supreme Court of Ontario from the decision, judgment, or order of any Judge of a county or district court upon an appeal from any conviction or order made in a case arising out of or under this Act in which a conviction or order has been quashed, or set aside, upon the ground, directly or indirectly, of the invalidity of any Act of this Legislature, or of any part thereof, or from the decision, judgment or order of the Judge of a county or district court in any other case arising out of or under this Act in which the Attorney-General of Ontario certifies that he is of opinion that the matters in dispute are of sufficient importance to justify an appeal.

Notice.

(2) Such appeal shall be had upon notice thereof to be given to the opposite party of the intention to appeal within eight days, or where the certificate of the Attorney-General is necessary, and is obtained, within fifteen days after such judgment, decision or order has been made.

Transmitting
papers.

(3) The clerk of the county or district court shall certify the judgment, conviction, orders and all other proceedings, to the proper officer of the Supreme Court, at Toronto, for use upon the appeal.

(4) The Divisional Court shall thereupon hear and determine the appeal, and shall make such order for carrying into effect the judgment of the court as the court shall think fit. Hearing appeal.

107.—(1) An appeal to the Appellate Division of the Supreme Court shall lie from any judgment or decision of a Judge of the Supreme Court, upon any application to quash a conviction made under this Act, or to discharge a prisoner who is held in custody under any such conviction, whether such conviction is quashed or the prisoner discharged, or the application is refused; but no such appeal shall lie, unless the Attorney-General of Ontario certifies that he is of opinion that the point in dispute is of sufficient importance to justify the case being appealed. Appeal in certain cases to Divisional Court.

(2) Upon such certificate being produced to one of the Registrars of the High Court Division, he shall certify under the seal of the Supreme Court the proceedings returned to or had before or in the said Court, to the Registrar of the Appellate Division, and a Divisional Court shall thereupon hear and determine the appeal, without any formal pleadings, and shall make such order for carrying into effect the judgment of the said Court as the circumstances of the case may require. Certifying proceedings to Appellate Division.

CASES OF SEVERAL CONVICTIONS.

108. The proceedings upon any information for an offence against any of the provisions of this Act in a case where a previous conviction or convictions are charged, shall be as follows:— Procedure where previous convictions charged.

- (a) The magistrate, justice or justices of the peace shall in the first instance inquire concerning such subsequent offence only, and if the accused be found guilty thereof he shall then be asked whether he was so previously convicted as alleged in the information and, if he answers that he was so previously convicted, he shall be sentenced accordingly; but, if he denies that he was so previously convicted or does not answer such question, the judge, magistrate or justice shall then inquire concerning such previous conviction or convictions.

(b) Such previous convictions may be proved *prima facie* by the production of a certificate purporting to be under the hand of the convicting magistrate, justice or justices of the peace, or clerk of the peace to whose office the conviction has been returned, without proof of signature or official character.

(c) In the event of any conviction for any second or subsequent offence becoming void or defective after the making thereof by reason of any previous conviction being set aside, quashed or otherwise rendered void, the magistrate, justice or justices of the peace by whom such second or subsequent conviction was made shall summon the person convicted to appear at a time and place to be named therein and shall thereupon, upon proof of the due service of such summons if such person fails to appear, or on his appearance, amend such second or subsequent conviction and adjudge such penalty or punishment as might have been adjudged had such previous conviction never existed; and such amended conviction shall thereupon be held valid to all intents and purposes as if it had been made in the first instance.

(d) In case any person, who has been convicted of a contravention of any provision of any of the sections of this Act mentioned in section 70 hereof, is afterwards convicted of an offence against any provision of any of the said sections, such conviction shall be deemed a conviction for a second offence within the meaning of the said section and shall be dealt with and punished accordingly, although the two convictions may have been under different sections.

Duty of
inspector as
to second
offences.

109.—(1) Whenever a prosecution is brought against any person under this Act for an offence of which he has been previously convicted and for which a different or greater penalty is imposed in the case of a second or any subsequent offence, the inspector shall prosecute as for a second or subsequent offence according to the fact.

Penalty.

(2) Any inspector who knowingly or wilfully contravenes the provisions of this section shall incur a penalty of not less than \$20 nor more than \$50.

One con-
viction for
several
offences.

110. One conviction for several offences, in which a separate penalty is provided for each, may be made under this Act where the offences may have been committed on the same

day; but the increased penalty or punishment hereinbefore imposed shall only be incurred or awarded in the case of offences committed on different days and after conviction had for a first offence.

111. When not otherwise provided, a second conviction of a licensed person under this Act, for any violation or contravention of any of the provisions of this Act, shall *ipso facto* operate as a forfeiture of his license and disqualify the person convicted from obtaining a license for three years thereafter.

COSTS.

112. In every case where a penalty is authorized by this Act to be inflicted, the magistrate, justice or justices of the peace shall have the power to order costs to be paid in addition to the amount of the penalty, and such costs when so ordered shall be considered part of the penalty.

CONVICTIONS AND SUBSEQUENT PROCEEDINGS.

113. No conviction or warrant for enforcing the same or any other process or proceeding under this Act shall be held insufficient or invalid by reason of any variance between the information and the conviction or by reason of the punishment imposed or the conviction or order made being in excess of that which might lawfully have been imposed or made or by reason of any other defect in form or substance, provided it can be understood from such conviction, warrant, process or proceeding that the same was made for an offence against some provision of this Act within the jurisdiction of the magistrate, justice or justices of the peace or other officer who made or signed the same, and provided there be evidence to prove some offence under this Act, and where necessary, every such conviction, warrant or other process or proceeding may be amended in such manner as justice may require.

114. Upon any application to quash or set aside any such conviction or order, or the warrant for enforcing the same, or other process or proceeding, whether in appeal or upon *habeas corpus*, or by way of *certiorari* or otherwise, the court or judge to which or to whom such appeal is made, or to which or to whom such application has been made upon *habeas corpus* or by way of *certiorari* or otherwise, shall dispose of such appeal or application upon the merits, notwithstanding any such variance, excess of jurisdiction or defect as aforesaid; and in all cases where it appears that the merits

have been tried, and that the conviction, warrant, process or proceeding is sufficient and valid under this section or otherwise, and there is evidence to support the same, such conviction, warrant, process or proceeding shall be affirmed, or shall not be quashed (as the case may be); and such court or judge may in any case amend the same if necessary; and any conviction, warrant, process, or proceeding so affirmed, or affirmed and amended, shall be enforced in the same manner as convictions affirmed on appeal, and the costs thereof shall be recoverable as if originally awarded.

**Record of
conviction
on license.**

115. Whenever a licensee is convicted of any offence against the provisions of this Act a record thereof shall be indorsed on the license of the person convicted, and the following provisions shall immediately have effect, that is to say:—

- (a) the magistrate, justice or justices before whom any licensed person is accused shall require such person to produce and deliver to him the license under which such person carries on business, and the summons shall state that such production will be required.

**Production
of license
for can-
cellation.**

116. Where the conviction of any licensee has the effect of causing the forfeiture of the license or of disqualifying any person for the purposes of this Act, the license shall be produced to the magistrate hearing the case for the purpose of cancellation.

**Certificate
of convic-
tion.**

117. The magistrate, justice or justices of the peace, on any conviction of any person for an offence against this Act, shall send forthwith to the Board a certificate of such conviction, for which certificate he shall be allowed a fee of fifty cents to be taxed as costs in the cause.

**Application
of Act to
corpora-
tions.**

118. Every corporation incorporated by or under an Act of this Legislature, and every corporation incorporated otherwise than by or under an Act of this Legislature, which transacts any business within the Province, shall be deemed to be and shall be in all respects subject to the provisions of this Act, and every such corporation shall, as to any Act, matter or thing done in Ontario, in, about, concerning and touching or relating to liquor, be deemed to be and shall be within the jurisdiction of the courts of this Province and of every judge, magistrate, justice or justices of the peace within the Province.

119. In all prosecutions, actions or proceedings under the provisions of this Act against a corporation, every summons, warrant, order, writ or other proceeding may, in addition to any other manner of service which may be provided or authorized by law, be served on such corporation by delivering the same to any officer, attorney or agent of the said corporation, or by leaving it at any place where it carries on any business; provided that service in any other way shall be deemed sufficient if the court, judge, magistrate, justice or justices of the peace by or before whom such summons, warrant, order, writ or other proceeding was issued or is returnable, or by or before whom any proceeding subsequent to such service is to be had or taken, shall be of the opinion that the service has been such as to bring the summons, warrant, order, writ or other proceeding to the notice of such corporation.

Service on corporations.

120.—(1) Whenever any corporation is convicted of any offence against or under this Act and the conviction adjudges a pecuniary penalty or compensation to be paid by such corporation, or an order under this Act requires the payment of a sum of money by a corporation, the court, judge, magistrate, justice or justices of the peace, by his or their conviction or order, after adjudging payment of such penalty, compensation or sum of money with costs may order and adjudge that, in default of payment of such penalty, compensation or sum of money forthwith or within a limited time, such penalty, compensation or sum of money shall be levied by distress and sale of the goods and chattels of such corporation.

Recovery of penalties from corporation by distress.

(2) In any such case, and in addition to the other remedies provided hereby, a copy of such conviction or order certified to by any judge, magistrate, justice or justices of the peace, or by the officer in whose custody the same is by law required to be kept, may be filed in the proper county or district court, and such conviction or order shall thereupon become a judgment of said court and all proceedings may be thereupon taken and had as on any other judgment of said court.

Enforcing judgment against corporation.

(3) In the case of the conviction of or an order against a corporation, which by the law of Ontario is required to obtain a license to carry on its business in Ontario and has obtained such license, if the penalty, compensation or sum of money be not paid according to the terms of the conviction or order, the Lieutenant-Governor in Council may, in case of such default in payment of penalty, compensation or sum of money as aforesaid, cancel and revoke the license so issued to such corporation.

Cancellation of license of corporation.

Proviso.

(4) Provided always that nothing in this section contained shall be construed as in any way affecting, limiting or restricting any proceedings which otherwise can or may be taken or had for the infliction of punishment by penalty or imprisonment or the modes of enforcement or recovery of fines or penalties.

Power to issue distress on non-payment of penalty.

121. Notwithstanding anything in this Act where a pecuniary penalty is imposed, the magistrate may in his discretion order that in default of payment of the penalty distress shall issue for the recovery thereof or he may if he sees fit order that in default of immediate payment of the penalty the offender shall be committed to gaol for such period as may be allowed by law.

Payment over and application of penalties.

122. The penalties in money imposed under this Act or any portion of them that may be recovered shall be paid to the convicting Magistrate in the case, and shall by him or them be paid to the Inspector of the county or district in which the offence was committed, to be by him remitted to the License Branch in accordance with the regulations of the Department and shall form part of the consolidated revenue of the Province.

When costs cannot be recovered.

123.—(1) Where an Inspector or any officer appointed by the Crown has prosecuted and obtained a conviction and has been unable to recover the amount of costs, the same shall be made good out of the appropriation of the Legislature for the enforcement of the "Ontario Temperance Act."

Indemnification of officers against costs.

(2) Where an Inspector or officer appointed by the Crown has prosecuted and failed to obtain a conviction he shall be indemnified against all costs out of the appropriation of the Legislature for the enforcement of the "Ontario Temperance Act."

Forms for use on prosecutions.

(3) The forms in Schedule "H" or any forms to the like effect shall be sufficient in the cases thereby respectively provided for, and where no forms are prescribed, new ones may be framed to meet the circumstances of the case, conforming as nearly as may be to those employed in proceedings under *The Ontario Summary Convictions Act*, such forms being made short and concise in the mode indicated by the forms in Schedule "H."

Rev. Stat. c. 90.

REMISSION OF PENALTIES.

No remission by magistrates, etc.

124. No magistrate or justice of the peace shall have any power or authority to remit, suspend or compromise any penalty or punishment inflicted under this Act.

125. Every inspector shall keep

Register of
licenses.

- (a) a register to be called "The register of licenses," containing the particulars of all licenses granted in his district, the premises in respect to which they are granted, the names of the licensees and the names of the sureties to any bond given by any such licensee in pursuance of the provisions of this Act; and he shall also enter on the register all forfeitures of licenses, disqualifications of licenses, records of convictions and other matters relating to the licenses then on the register; and

- (b) a record of all applications made under this Act showing the names of the applicants, the nature of the applications, the premises in respect of which the applications are made, the dates on which the applications were heard and the manner in which the same were disposed of, including in case of refusal the cause or causes thereof.

Record of
applications.

126. The local inspectors shall, immediately on the termination of every case and also on the thirty-first day of March, the thirtieth day of June, the thirtieth day of September and the thirty-first day of December in each year, report to the Board all prosecutions and convictions under this Act in their respective districts, whether instituted or obtained by them or by others to their knowledge, giving dates, names of parties, amounts of fines and names of magistrates before whom respectively the cases were tried.

Annual re-
port of pro-
secutions
and con-
victions.

LAW ENFORCEMENT.

127.—(1) Any money appropriated by the Legislature for the purpose of preventing the contravention of the provisions of this Act or of any regulation made thereunder, shall be known as the "Ontario Temperance Act Law Enforcement Fund," and payments from the said fund from time to time shall be made under the direction of the Minister to such officers and persons as he may think proper, to be expended in the enforcement of this Act, including the salaries and expenses of the members and officers of the Board and of such regulations or the detection of offences against this Act or any regulation.

Fund to be
used by
Minister in
enforcing
law.

(2) The certificate or order of the Minister that any sum of money is required to be paid out of the said fund shall be sufficient authority for the issue of a cheque by the Treasurer of Ontario for the amount named in such certificate or

Authority
for pay-
ments out.

order, and the officer or other person to whom such cheque is issued shall account to the Minister for the proper disbursement of the amount received by such officer or other person, whose approval of same shall be final.

PROVINCIAL BOARD OF LICENSE COMMISSIONERS.

Provincial
Board of
License
Commissioners.

128.—(1) There shall be a Board of License Commissioners for Ontario, which shall be composed of three persons to be appointed by the Lieutenant-Governor in Council and one of whom shall be appointed as Chairman of the Board.

Tenure of
office.

(2) The members of the Board shall hold office during pleasure.

Quorum.

(3) Two of the members of the Board shall constitute a quorum and the act or decision of any two members present and acting together shall be binding and sufficient.

Oath of
office.

(4) Each of the members of the Board before entering upon the duties of his office shall take and subscribe before the Minister or before some person appointed by him for that purpose the following oath,—

I, A. B., having been appointed a member of the Board of License Commissioners for Ontario, do swear,

That I will well and faithfully discharge the duties of that office as prescribed by law, without fear or favour, prejudice or partiality, so help me God.

(Signed), A. B.

Jurisdic-
tion,
powers
and duties.

Powers of
Board as
to recon-
sideration.

(5) The Board shall have jurisdiction throughout the Province and subject to the provisions of this Act the Board may reconsider any matter which has been dealt with by it, and may rescind, alter or amend any decision, order or resolution previously made or passed by said Board.

INSPECTORS AND OFFICERS OF BOARD.

Appoint-
ments.

129.—(1) The Lieutenant-Governor in Council may appoint—

Inspectors.

(a) Such provincial, district, county and city inspectors and provincial officers as may be deemed necessary, but not more than one Inspector shall be appointed for any county exclusive of any city therein;

Office
staff.

(b) Such other officers, clerks and servants of the Board as may be deemed necessary.

(2) Every such inspector shall be *ex officio* a constable within the territory for which he is appointed, but he shall not receive to his own use, any costs beyond his actual disbursements in respect of any service performed by him as such constable. Inspectors
to be ex
officio
constables.

(3) Every person appointed under this section shall furnish such security as the Treasurer of Ontario may require for the payment over of all sums of money received by him according to the provisions of this Act. Security
by officers.

Rev. Stat.
c. 215.

130. The council of any municipality may by by-law appoint an officer whose duty it shall be to enforce the provisions of this Act within the municipality, and such council may by by-law provide for the payment of such officer or officers and for payment of any expenses incurred in such enforcement out of the general funds of the municipality, and every officer so appointed shall have within the municipality for which he is appointed all the powers possessed by a Provincial officer appointed under section 129 and all the provisions of this Act applicable to any such Provincial officer shall apply as to any officer appointed under this section and acting within the municipality for which he is appointed in the same manner and to the same extent as if such municipal officer were expressly mentioned in such provisions. Appointment
of officers by
councils to
enforce
local option
by-laws.

MUNICIPALITIES UNDER THE CANADA TEMPERANCE ACT.

131. The council of any county or city in which the second part of *The Canada Temperance Act* is in force, may, from time to time, set apart any sum or sums of money for the purpose of paying any officer or officers, person or persons, for enforcing, or assisting to enforce *The Canada Temperance Act* within their respective jurisdictions, and for the payment of any costs or expenses incurred in and about enforcing, or attempting to enforce the same; and such councils are hereby authorized and empowered to appoint one or more officers or persons to enforce, or assist in enforcing, the provisions of that Act, and to pass by-laws for the government and control of such officers or persons, and defining their duties and mode and amount of payment. Municipal
councils may
aid in en-
forcing the
Canada
Temperance
Act.

R.S.C. c.
152.

132.—(1) Where the second part of *The Canada Temperance Act* is in force the expenses of carrying the same into effect, except as is hereinafter provided, shall be borne and paid by the county or city within which the same is in force. Expenses of
enforcing
this Act
in muni-
cipalities
under the
Temperance
Acts.

R.S.C. c. 152.

How and
when pay-
able.

(2) The expenses payable under this section by a county or city shall be paid by it into such bank as the Minister may direct to the credit of *The Canada Temperance Act Fund*, and shall become due and payable within one month after an estimate of the amount of the expenses for the current license year has been made by the Board, and approved by the Minister (which approval shall be final and conclusive) and after a copy or duplicate of such estimate and approval, together with a notice in writing by the Board, requesting payment of the amount payable by the municipality has been served upon the clerk of the county or city, on such days and times as by the said request or notice are named for that purpose; and in case any estimate proves insufficient for the payment of the expenses of the license year any deficiency may be provided for in the estimate for the succeeding year; and in case any sums remain unexpended in any year, the same may be applied on account of the expenses of the succeeding year.

Payment of
proportion,
how en-
forced.

(3) Payment may be enforced against any county or city by the Board by action or proceedings in the name and by the title of "The Board of License Commissioners for Ontario," and it shall not be necessary to mention or include the names of the License Commissioners in the proceedings; and the action or proceedings may be carried on in the name of such Board as fully and effectually as though such Board were incorporated under such name or title; and in the event of the death or resignation of any of the License Commissioners, or of the appointment of other License Commissioners, the action or proceedings shall not cease, abate or determine, but shall proceed as though no change had been made in the Board or License Commissioners, and, in the event of the Board being condemned in costs, the same may be payable out of the *Canada Temperance Act Fund* for the county or city, as the case may be.

Provision
for enforce-
ment of Can-
ada Temper-
ance Act
where fines
insufficient.

133.—(1) In case the fines and penalties imposed and collected under and by virtue of *The Canada Temperance Act* are insufficient to meet the expenses incurred in the enforcement of that Act the Treasurer of Ontario may pay into the License Fund out of the Consolidated Revenue Fund a sum not exceeding one-half the amount which the municipality is required to pay for or on account of such expenses over and above the fines and penalties so collected.

Account of
fines and
amount con-
tributed by
county or
city.

(2) The treasurer of the county or city to which the fines are payable shall keep a separate account of the fines received and also of the amount paid or contributed by the municipality towards the expenses of enforcing the Act, and the

Province shall not be called upon to pay any proportion of the expenses so long as there is a balance at the credit of the said account.

(3) The separate account mentioned in the next preceding subsection shall be subject to audit by an officer of the License Branch; such audit may take place at the office of the treasurer of such county or city, and the certificate of such officer when approved by the Minister shall be sufficient evidence of the correctness of such separate account.

(4) The word "county" when used in this section and in section 132 shall not include a provisional judicial district. County not to include district.

134. Whenever an appropriation is made by the Legislature for enforcing *The Canada Temperance Act*, the Minister may by his order direct the payment out of such appropriation of any sum or sums which he may find necessary from time to time for the enforcement of the said Act in a provisional judicial district during the time that Act is in force in such district. Payment of appropriation for enforcement of C. T. Act

135. While this Act is intended to prohibit and shall prohibit transactions in liquor which take place wholly within the Province of Ontario, except under license or as otherwise specially provided by this Act, and to restrict the consumption of liquor within the limits of the Province of Ontario, it shall not affect and is not intended to affect *bona fide* transactions in liquor between a person in the Province of Ontario and a person in another Province or in a foreign country, and the provisions of this Act shall be construed accordingly.

136. This Act shall come into force on the _____ day of _____, A.D. 1916, but the provisions of this Act with respect to applications for licenses and all matters connected therewith or appertaining thereto and with respect to the issue of such licenses may be resorted to, applied and followed at any time before the said date for the purpose of procuring the issue of licenses under this Act to take effect on and from the date of the coming into force of this Act.

SCHEDULE "A."

Province of Ontario,
1916-17.

DRUGGIST'S WHOLESALE LICENSE

Issued under the provisions of *The Ontario Temperance Act*.

A.B.,

having complied with the provisions of *The Ontario Temperance Act* respecting Druggist's Wholesale License is hereby authorized during the period commencing on the day of 191 , and ending on the day of 191 , to sell subject to the provisions of said Act in the Warehouse or store now occupied by and situate at alcohol and other liquor in the quantities and to the persons mentioned in said Act, that is to say:

1. To the holder of a druggist's retail license alcohol not exceeding ten gallons at any one time.

2. To any person requiring the same for mechanical or scientific purposes who complies with the provisions of said Act, alcohol not exceeding ten gallons at any one time.

3. To each of the persons mentioned in paragraphs A, B, and C, liquor other than alcohol not exceeding five gallons at any one time.

(a) To the holder of a druggist's retail license.

(b) To a duly qualified medical practitioner.

(c) To and for the use of any public hospital, or any private hospital, sanatorium for consumptives, or private sanatorium, to be supplied only upon the written order of the medical officer or superintendent of any such institution.

Dated this day of , 191

Provincial Secretary.

Countersigned

Chairman of the Board of License
* Commissioners for Ontario.

SCHEDULE "B."

PROVINCE OF ONTARIO.
1916-17.

DRUGGIST'S RETAIL LICENSE

Issued under the provisions of *The Ontario Temperance Act*.

C.D.,

having complied with the provisions of *The Ontario Temperance Act* respecting Druggist's Retail License is hereby authorized during the period commencing on the day of 191 , and ending on the day of 191 ,

191 , to sell subject to the provisions of said Act in the store
now occupied by , and situate at
liquor for medical and sacramental purposes only.

Dated this day of , 191

Provincial Secretary.

Countersigned

Chairman of the Board of License
Commissioners for Ontario.

SCHEDULE "C."

PROVINCE OF ONTARIO.

The Ontario Temperance Act.

To the Board of License Commissioners for Ontario.

I,
hereby apply for the issue to me of a Retail Druggist's License
under *The Ontario Temperance Act* for the current license year. I
am a qualified and registered chemist and druggist in the Province
of Ontario, and carry on business as such at and am the true owner
thereof.

That I have not been convicted of selling liquor illegally and that
I will faithfully observe the provisions of the law respecting the
sale of liquor by druggists holding a Druggist's Retail license under
the aforesaid Act.

Dated this day of , 191

(Signed).....

SCHEDULE "D."

PROVINCE OF ONTARIO.

The Ontario Temperance Act.

To the Board of License Commissioners for Ontario.

The undersigned carrying on business as Wholesale Druggists at

hereby apply for the issue to the undersigned of a Druggist's Whole-
sale license under *The Ontario Temperance Act* for the current
license year and we hereby certify that we are qualified wholesale
druggists according to the requirements of the Act in that behalf,
that we are the owners of the said business and that we will faith-
fully observe the law in all respects in regard to the sale of alcohol
and other liquor as set out in the said Act and the license issued
thereunder.

Dated this day of , 191

(Signed).....

that is to say the said in the
sum of five hundred dollars of good and lawful money of Canada,
the said in the sum of two
hundred and fifty dollars of like good and lawful money, and the
said in the sum of two
hundred and fifty dollars of like good and lawful money, for pay-
ment of which well and truly to be made we bind ourselves and each
of us, our heirs, executors and administrators firmly by these
presents.

Sealed with our seals and dated this
day of

A.D. 191

Whereas the above bounden has
applied for and is about to obtain a Druggist's Wholesale License
authorizing him during the period commencing on the
day of and ending
on the day of to sell
subject to the provisions of the said *The Ontario Temperance Act*
in the warehouse or store defined as follows: alcohol
not exceeding in quantity ten gallons at any one time to any person
for mechanical or scientific purposes, and to a druggist retail
licensee, and to sell to any duly registered medical practitioner,
and to any druggist holding a Druggist's Retail License under the
said *The Ontario Temperance Act* or a public hospital or other simi-
lar institution as set out in paragraph c of section 2 of the said Act
but to no other, liquor, as defined by said Act, not exceeding in
quantity five gallons at any one time.

Now, therefore, the condition of this obligation is such that if
the said shall at all times during
the continuance of the said license well and faithfully keep and
observe all the regulations and requirements of the said *The Ontario*
Temperance Act in respect of the said Druggist's Wholesale License
so to be issued to him, and shall not violate any of the provisions
of the said Act, and shall pay all fines and penalties which he may
be condemned to pay for any offence against any statute or other
provision having the force of law now or hereafter to be in force
relative to such Druggist's Wholesale License, and do and perform
and observe all rules and regulations that are or may be established
by competent authority on such behalf, then this obligation shall
be void, otherwise it shall remain in full force, virtue and effect.

Signed, sealed and delivered
in the presence of

Province of Ontario.

THE ONTARIO TEMPERANCE ACT.

Bond of Retail Druggist.

Know all men by these presents that we,
of and
of and
of are held and firmly bound
unto His Majesty the King, his heirs and successors as follows, that
is to say, the said in
the sum of five hundred dollars of good and lawful money of Canada,
the said in the sum of
two hundred and fifty dollars of like good and lawful money, and
the said in the sum
of two hundred and fifty dollars of like good and lawful money, for
payment of which well and truly to be made we bind ourselves and

each of us, our heirs, executors or administrators firmly by these presents.

Sealed with our seals and dated this day of
A.D. 191 .

Whereas the above bounden has applied for and is about to obtain a Druggist's Retail License authorizing him during the period commencing on the of and ending on the day of to sell in the store defined as follows: liquor as defined by said Act for medical and sacramental purposes only, subject to the provisions of the said Act relating to Druggist's Retail Licenses and to the other general provisions of the said Act.

Now therefore the condition of this obligation is such that if the said shall at all times during the continuance of the said license well and faithfully keep and observe all the regulations, restrictions and requirements of the said *The Ontario Temperance Act* in respect of the said Druggist's Retail License so to be issued to him, and shall not violate any of the provisions of the said Act and shall pay all fines and penalties which he may be condemned to pay for any offence against any statute or other provision having the force of law now or hereafter to be in force relative to such Druggist's Retail License, and do and perform and observe all the requirements thereof, and conform to all rules and regulations that are or may be established by competent authority in such behalf, then this obligation shall become void, otherwise it shall remain in full force, virtue and effect.

Signed, sealed and delivered
in the presence of

SCHEDULE "F."

Ontario:
To Wit:

I of the of
in the Province of Ontario, make oath and say:

That I reside at the of in the Province of Ontario, and am engaged in (state occupation).

That of is required by me to be used for purposes, and for no other purpose; that such liquor is not intended to be used as a beverage or mixed with any other liquor for use as a beverage nor to sell nor to give away.

That this application is made to
druggist, for said liquor.

Sworn before me at
in the Province of Ontario,
this day of
A.D. 191

A Commissioner in B.R.

SCHEDULE "G."

Ontario.

To Wit:

I , of the of
in the Province of Ontario, minister of the Gospel and now being
of the Church
at hereby request you to sell me for sacramental
purposes only of wine.

Dated at , this day of , A.D. 191

To

A.B.

Druggist Retail Licensee.

SCHEDULE "H."

GENERAL FORM OF INFORMATION.

ONTARIO. } THE INFORMATION of A.B., of the township of
County of York. } York, in the County of York, License In-
To Wit: } spector, laid before me, C.D., Police Magis-
trate, in and for the City of Toronto, [or one of His Majesty's
Justices of the Peace, in and for the County of York], the
day of A.D. 19 .

The said informant says, he is informed and believes that X.Y.
on the day of A.D. 19 , at the Township
of York in the County of York, unlawfully did sell liquor in con-
travention of *The Ontario Temperance Act*.

Laid and signed before me the }
day and year, and at the }
place first above mentioned. }
C.D. A.B.
P.M. or J.P.

FORMS DESCRIBING OFFENCES.

1. *Allowing liquor to be illegally consumed on premises under license.*

"That X.Y., having a wholesale or retail druggist's license
at unlawfully did
allow liquor to be consumed within his warehouse (or shop, or
within a building which forms part of, (or is appurtenant to or
which communicates by an entrance with a warehouse or shop, or
premises), in contravention of *The Ontario Temperance Act*."

2. *Illegal sale by druggists.*

"That X.Y., being a druggist on at
did unlawfully sell liquor for other than strictly medicinal purposes
or without a certificate from any legally qualified medical practi-
tioner, or sell liquor without recording the same), in contravention
of *The Ontario Temperance Act*."

3. *Harbouring constables on duty.*

"That X.Y., being a licensed druggist at , on
unlawfully and knowingly did harbour [or entertain or suffer to
abide and remain on his premises] O.P., a constable belonging to
a police force."

4. *Compromising or compounding a prosecution.*

"That X.Y., having violated a provision of *The Ontario Temperance
Act*, on at / , unlawfully did compromise (or compound,
or settle, or offer, or attempt to compromise, compound, or settle),
the offence with A.B., with the view of preventing any complaint

being made in respect thereof [or with the view of getting rid of, or of stopping, or of having the complaint made in respect thereof dismissed, as the case may be]."

5. *Being concerned in compromising a prosecution.*

"That X.Y., on , at , unlawfully was concerned in [or a party to] a compromise [or a composition, or a settlement] of an offence committed by O.P., against a provision of *The Ontario Temperance Act*."

6. *Tampering with a witness.*

"That X.Y., on a certain prosecution under *The Ontario Temperance Act*, on , at , unlawfully did tamper with O.P., a witness in such prosecution, before [or after] he was summoned [or appeared] as such witness on a trial [or proceeding] under the said Act, [or unlawfully did induce, or attempt to induce, O.P., a witness in such prosecution, to absent himself, or to swear falsely]."

7. *Refusing to admit policeman.*

"That X.Y., on the , at , being in (or having charge of) the premises of O.P., being a place where liquor is reputed to be sold unlawfully) did refuse (or fail) to admit [or did obstruct or attempt to obstruct] E.F., an officer demanding to enter in the execution of his duty [or did obstruct or attempt to obstruct E.F., an officer making searches in said premises, and in the premises connected with such place]."

2. *Officer refusing to prosecute.*

"That X.Y., being a police officer [or constable, or Inspector of Licenses in and for the , in the County of , knowing that O.P. had on , at , committed an offence against the provisions of *The Ontario Temperance Act*, unlawfully and wilfully did, and still does, neglect to prosecute the said O.P. for his said offence."

FORM OF INFORMATION FOR SECOND OR SUBSEQUENT OFFENCE.

ONTARIO, } THE INFORMATION of A.B., of, etc., License In-
County of York, } spector, laid before me, C.D., Police Magis-
To Wit: } trate in and for the of
[or one of His Majesty's Justices of the Peace in and for the County
of], the day of A.D. 19 .

The said informant says he is informed and believes that X.Y., on , at , [describe last offence].

And further that the said X.Y. was previously, to wit: on the day of A.D. 19 , at the City of Toronto, before C.D., Police Magistrate in and for the of [or at the of , in the County of York, before E.F. and G.H., two of His Majesty's Justices of the Peace for the County of], duly convicted of having, on the day of 19 , at the of , in the County of , unlawfully sold liquor without the license therefor required by law [or as the case may be].

And further, that the said X.Y. was previously, to wit: on the day of A.D. 19 , at the of , in the County of , before, etc. [as in preceding paragraph], again duly convicted of having, on the day of A.D. 19 , at the of , in the County of , unlawfully allowed liquor to be consumed within a building which communicates by entrance with his shop.

And further, that the said X.Y. was previously, to wit: on the day of , A.D. , at the town of , in the County of , before, etc., (see above), again duly convicted of having on the day of , A.D. at the of , in the County of (being in charge of the premises of O.P., a place where liquor was reputed to be sold), unlawfully failed to admit E.F., an officer demanding to enter in the execution of his duty.

And the informant says the offence hereinbefore firstly charged against the said X.Y. is his offence against The Ontario Temperance Act.

Laid and signed before me the day
and year, and at the place first
above mentioned.

C.D.,

J.P.

A.B.

SUMMONS TO WITNESS.

ONTARIO,
County of York,
To Wit:

To J.K., of the City of Toronto, in the County
of York.

Whereas, information has been laid before me, C.D., one of His Majesty's Justices of the Peace in and for the of (or Police Magistrate for the of), that X.Y. being a druggist, on the day of , 19 , at the Township of , in the County of , unlawfully did sell liquor for other than strictly medicinal purposes, and it has been made to appear to me that you are likely to give material evidence on behalf of the prosecutor in this behalf.

These are to require you, under pain of imprisonment in the Common Gaol, personally to be and appear on Tuesday, the day of , A.D. 19 , at ten o'clock in the forenoon, at the of , in the of , before me or such Justice or Justices of the Peace as may then be there, to testify what you shall know in the premises [and also to bring with you and there and then produce all and every invoices, cash books, day books, or ledgers and receipts, promissory notes, or other security relating to the purchase or sale of liquor by the said X.Y., and all other books and papers, accounts, deeds, and other documents in your possession, custody or control, relating to any matter connected with the said prosecution].

Given under my hand and seal this day of ,
A.D. 19 , at the of , in the County of .
C.D.,
J.P. (L.S.)

FORM OF CONVICTION FOR FIRST OFFENCE.

ONTARIO, } BE IT REMEMBERED that on the day
County of York, } of , A.D. 19 , at the of
To Wit: } , in the said County of York, X.Y.

was convicted before me, C.D., Police Magistrate in and for the of (or before us, E.F. and G.H., two of His Majesty's Justices of the Peace in and for the said County), for that he, the

said X.Y., on the day of , A.D. 19 , at the
 of , in the said County, in his premises
 unlawfully did sell liquor in contravention of *The Ontario Temperance Act*, A.B., being the informant, and I (or we) adjudge the said X.Y., for his said offence, to forfeit and pay the sum of \$, to be paid and applied according to law, and also to pay to the said A.B. the sum of \$ for his costs in this behalf, and if the said several sums be not paid forthwith, then I [or we] order that said sums to be levied by distress and sale of the goods and chattels of the said X.Y., and in default of sufficient distress in that behalf [or if distress is not ordered omit the foregoing words and proceed] I (or we) adjudge the said X.Y. to be imprisoned in the Common Gaol for the County of , at , in the said County, and there to be kept for the space of , unless the said sums and the costs and charges of conveying the said X.Y. to the said Common Gaol shall be sooner paid.

Given under my hand and seal [or our hands and seals] the day and year first above mentioned, at the of , in the County aforesaid.

C.D., (L.S.)
 Police Magistrate.

or E.F., (L.S.)
 J.P.

G.H., (L.S.)
 J.P.

FORM OF CONVICTION FOR A SECOND OR SUBSEQUENT OFFENCE.

ONTARIO, } BE IT REMEMBERED that on the day
 County of York, of , A.D. 19 , in the of
 To WIT: , in the said County, X.Y. is con-
 victed before the undersigned C.D., Police Magistrate in and for
 the of , in the said County [or C.D. and E.F., two
 of His Majesty's Justices of the Peace in and for the said County],
 for that he, the said X.Y., on the day of ,
 A.D. 19 , at the of [or of], in
 said County (as the case may be), having violated a provision of
The Ontario Temperance Act, unlawfully did attempt to settle the
 offence with A.B., with the view of having the complaint made in
 respect thereof dismissed. And it appearing to me (or us) that the
 said X.Y. was previously, to wit; on the day of ,
 A.D. 19 , at the City of Toronto, before, etc., duly convicted of
 having on the day of , A.D. 19 , at the
 of , unlawfully sold liquor. And it also
 appearing to me (or us) that the said X.Y. was previously to wit:
 on the day of , A.D. 19 , at the
 of , before , etc. (see above)
 again duly convicted of having, on the day of ,
 A.D. 19 , at the of , in the said
 of , unlawfully allowed gambling
 (or as the case might be).

I [or we] adjudged the offence of said X.Y., hereinbefore firstly
 mentioned to be his offence against *The Ontario Temperance*
Act (A.B. being the informant), and I (or we) adjudged the said
 X.Y., for his said offence, to be imprisoned in the Common
 Gaol of the said of , at , in the said County
 of , there to be kept without hard labour [or with hard

labour, *as the case may be*] for the space of three calendar months
(*or as the case may be*).

Given under my hand and seal [*or our hands and seals*] the day
and year first above mentioned, at Toronto, in the County of York.

C.D.	(L.S.)
<i>or</i>	
C.D.	(L.S.)
E.F.	(L.S.)

WARRANT OF COMMITMENT FOR A FIRST OFFENCE WHERE A PENALTY IS
IMPOSED.

ONTARIO, } To ALL or any of the Constables or other Peace
County of , } Officers in the said County of
To Wit: } and to the Keeper of the Common Gaol
of the said County at in the County of

Whereas X.Y., late of the of , in the said
County, was on this day convicted before the undersigned, C.D.,
Police Magistrate in and for the of [*or C.D. and*
E.F.], two of His Majesty's Justices of the Peace in and for the
of or County of (*as the case may be*), for
that he, the said X.Y., on , at , unlawfully did
sell liquor without the license therefor by law required (*state offence*
as in the conviction), (A.B. being the informant), and it was thereby
adjudged that the said X.Y., for his offence, should forfeit and
pay the sum of (*as in conviction*), and should pay to
the said A.B. the sum of for his costs in that behalf.

And it was thereby further adjudged that if the said several sums
should not be paid forthwith, the said X.Y. should be imprisoned
in the Common Gaol of the said County at , in the said
County of , there to be kept at hard labour (*or as the case*
may be) for the space of , unless the said several sums
and the costs and charges of conveying the said X.Y. to the said
Common Gaol should be sooner paid.

And whereas the said X.Y. has not paid the said several sums,
or any part thereof, although the time for payment thereof has
elapsed.

[*If a distress warrant issued and was returned, no goods, or not*
sufficient goods, say, "And whereas, afterwards on the
day of , A.D. 19 , I, the said Police Magistrate (or
we, the said Justices), issued a warrant to the said Constables or
Peace Officers, or any of them, to levy the said several sums of
and by distress and sale of the goods and
chattels of the said X.Y.;

"And whereas it appears to me (*or us*) as well, by the return of
the said warrant of distress by the Constable who had the execution
of the said or otherwise, that the said Constable has made diligent
search for the goods and chattels of the said X.Y., but that no
sufficient distress whereon to levy the said sums could be found."]

These are, therefore, to command you, the said Constables or
Peace Officers, or any one of you, to take the said X.Y., and him
safely convey to the Common Gaol as aforesaid, at in the
County of , and there deliver him to the Keeper thereof,
together with this precept.

And I (or we) do hereby command you, the said Keeper of the said Common Gaol, to receive the said X.Y. into your custody in the said Common Gaol, there to imprison him and keep him for the space of (without hard labour or with hard labour, as the case may be) unless the said several sums and all costs and charges of the said distress, amounting to the sum of and of the commitment and conveying of the said X.Y. to the said Common Gaol, amounting to the further sum of , shall be sooner paid unto you, the said Keeper, and for so doing this shall be your sufficient warrant.

Given under my hand and seal (or our hands and seals) this day of , at , in the said County of

C.D. (L.S.)

or

C.D. (L.S.)

G.H. (L.S.)

WARRANT OF COMMITMENT FOR SECOND (or SUBSEQUENT) OFFENCE,
WHERE PUNISHMENT IS BY IMPRISONMENT ONLY.

ONTARIO, } To ALL or any of the Constables or other Peace
County of York, } Officers in the said County of
To WIT: } and to the Keeper of the Common Gaol
of the said County at , in the County of

Whereas X.Y., late of the of , in the said County, was on this day convicted before the undersigned, C.D., etc., (or C.D. and E.F., etc., as in preceding form); for that he, the said X.Y., on at (state offence, with previous convictions, as set forth in the conviction for the second or third offence, or as the case may be, and then proceed thus): "And it was thereby adjudged that the offences of the said X.Y., hereinbefore firstly mentioned, was his second (or third) offence against The Ontario Temperance Act (A.B. being the informant). And it was thereby further adjudged that the said X.Y., for his said second (or third) offence should be imprisoned in the Common Gaol of the said County of , at , in the said County of , and there to be kept without hard labour (or with hard labour, as the case may be) for the space of calendar months.

These are, therefore, to command you, the said Constables, or any one of you, to take the said X.Y., and him safely convey to the said Common Gaol at , aforesaid, and there deliver him to the Keeper thereof, with this precept. And I (or we) do hereby command you, the said Keeper of the said Common Gaol to receive the said X.Y. into your custody in the said Common Gaol, there to imprison him and keep him without hard labour (or with hard labour, as the case may be) for the space of calendar months.

Given under my hand and seal (or our hands and seals), this day of , A.D. 19 , at , in the said County of

C.D. (L.S.)

or

C.D. (L.S.)

E.F. (L.S.)

FORM OF DECLARATION OF FORFEITURE AND OF ORDER TO DESTROY
LIQUOR SEIZED.

If in conviction, after adjudging penalty or imprisonment, as in form 7, proceed thus:

"And I [or we] declare the said-liquor and vessels in which the same is kept, to wit: two barrels containing beer, three jars containing whiskey, two bottles containing gin, four-kegs containing lager beer, and five bottles containing native wine [*or as the case may be*], to be forfeited to His Majesty, and I [or we] do hereby order and direct that T.D., License Inspector of the do forthwith destroy the said liquor and vessels."

Given under my hand and seal the day and year above mentioned, at, etc.

If by a separate or subsequent Order:

"COUNTY OF YORK, } We, E.F. and G.H., two of His Majesty's
To wit: } Justices of the Peace for the County of
[or C.P., Police Magistrate of the of
having on the day of , 19 , at the Township of
, in the said County, duly convicted X.Y. of having unlawfully kept liquor for sale in contravention of *The Ontario Temperance Act*, do hereby declare the said liquor and vessels in which the same is kept, to wit: [*describe the same as above*], to be forfeited to His Majesty, and we [or I] do hereby order and direct that J.P.W., License Inspector of the do forthwith destroy the said liquor and vessels.

Given under our [or my] hands and seals, this day of , A.D. 19 , at the Township of Scarboro, in the said County.

E.F. (L.S.)

or

G.H. (L.S.)

C.D. (L.S.)

No. 100.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act intituled The Ontario Temperance
Act.

1st Reading, 22nd March, 1916.

Mr. HANNA.

TORONTO:
PRINTED BY A. T. WILGESS.
Printer to the King's Most Excellent Majesty.

BILL

An Act intituled The Ontario Temperance Act.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—





SHORT TITLE.

1. This Act may be cited as *The Ontario Temperance Act*.

INTERPRETATION.

2. In this Act,

Interpretation.

- (a) "Board" shall mean the Board of License Commissioners to be appointed under this Act; Board.
- (b) "Vendor's license" shall mean a license authorizing a person, firm or incorporated company to sell subject to the provisions of this Act in the warehouse or store in which such person, firm or incorporated company carry on business  alcohol and other liquors to such persons as are entitled to purchase the same;  "Vendor's license."
- (c) "Inspector" shall mean and include a Provincial Inspector and a local inspector appointed under this Act; "Inspector."
- (d) "Licensed premises" shall mean the warehouse or store in respect of which a license under this Act has been granted, and is in force, and shall include every room, closet, cellar, yard, stable, out-house, shed and any other place whatsoever, of, belonging or in any manner appertaining to such warehouse or store; "Licensed premises."
- (e) "Licensee" shall mean a person holding a license under this Act,  and "Vendor" shall have the same meaning;  "Licensee."

"Liquor,"
"liquors."

(f) "Liquor" or "Liquors" shall include all fermented, spirituous and malt liquors, and combinations of liquors, and drinks and drinkable liquids which are intoxicating, and any liquor which contains more than per cent. of proof spirits shall be conclusively deemed to be intoxicating;

"Local
Inspector."

(g) "Local Inspector" shall mean an inspector appointed under this Act for a locality;

"Manufactur-
er of
native
wines."

(h) "Manufacturer of native wines" shall mean manufacturer of native wines from grapes grown and produced in Ontario, who has complied with any regulations or restrictions made or passed by the *Board*;

"Private
dwelling
house."

(i) "Private dwelling house" shall mean a separate dwelling with a separate door for ingress and egress, and actually and exclusively occupied and used as a private residence; but

Certain
places not
to be
deemed.

(i) Without restricting the generality of the above definition of a private dwelling house, among other things which the expression "private dwelling house" does not include or mean, it shall not include or mean and shall not be construed to include or mean any house or building occupied or used or partially occupied or used as an office, other than a duly registered physician's, dentist's, or veterinary surgeon's office, or as a shop, or as a place of business, or as a factory, or as a workshop, or as a warehouse, or as a club-house, or club room, public hall or hall of any society or order, or as a boarding house, or as a lodging house where there are more than three lodgers other than the members of the family, or as a livery stable or garage, or as an inn, tavern, hotel or other house or place of public entertainment or any house or building the rooms or compartments in which are leased to different persons, or any building or house mentioned in section 54 of this Act, or any house or building where for money or other valuable consideration any goods or chattels are kept for sale or sold, or


meals given or lodging provided, nor shall it include or mean or be construed to include or mean any house or building connected by a doorway or covered passage or way of internal communication, except by telephone, with any place where liquor is authorized to be sold under this Act, or with any office, except a duly registered physician's, dentist's or veterinary surgeon's office, or with any place of business, factory, warehouse, workshop, clubhouse, club-room, hall before mentioned, boarding house or lodging house as aforesaid, livery stable, *garage*, inn, tavern, hotel or other house or place of public entertainment or resort or with any house or building mentioned in section 82 of this Act;


- (ii) Notwithstanding the above restrictions "private dwelling house" shall include also a suite of rooms in an apartment block, in a city, separated and closed off by walls from all other rooms in such block, and without any door or opening whereby communication may be had with any other rooms, save doors opening into a main or common hall, leading with or without stairs into a street or lane; and in which suite there are facilities for cooking, and a family actually residing, cooking, sleeping and taking their meals;

- (j) "Regulations" shall mean regulations made by the Lieutenant-Governor in Council under the authority of this Act; "Regulations."

- (k) "Sale" shall include exchange, barter, and traffic; "Sale."

- (l) "Minister" shall mean the member of the Executive Council, to whom, for the time being, is assigned the supervision of the administration of this Act; "Minister."

-  (m) "Magistrate" shall include a justice of the peace, two or more justices of the peace sitting and acting together, and a police magistrate; "Magistrate."

-  (n) "Druggist" shall mean a duly qualified and registered pharmaceutical chemist. "Druggist."

LICENSESES.

Form and
effect of
licenses.

3. *Vendor's* licenses, written or printed or partly written and partly printed on stamped paper, may be issued subject to the provisions and in the form provided for by schedule A of this Act.

Term of
license.

4. All licenses issued under this Act shall be signed by the Minister, and countersigned by the chairman or some other member of the Board, and shall continue in force to and inclusive of the 30th day of April next following the date thereof.

Operation
of license.

5. Subject to the provisions of this Act as to removals and the transfer of licenses, every license for the sale of liquor shall be held to be a license only to the person therein named and for the warehouse or store therein mentioned, and shall remain valid only as long as such person continues to be the occupant of the said premises and the true owner of the business there carried on.

Discretion
of Board.

6.—(1) The granting or refusing of a license shall be absolutely in the discretion of the Board, and the Board may at any time cancel a license for any cause which it deems sufficient, and shall not be bound to assign any cause for such cancellation.

(2) All permits the issue of which is authorized by this Act may be issued by the Board.

Penalty for
licensee
selling
except as
authorized.

7. Every licensee and every partner, clerk, servant or agent of a licensee who sells liquor in any other place or at any other time or in any other quantity, or who sells liquor otherwise than as authorized by the license, and by this Act, shall be guilty of an infraction of section 58.

WHO MAY OR MAY NOT BE LICENSEES.

PARTNERSHIPS.

Granting
licenses
to partner-
ships. Rev.
Stat. c. 139.

8.—(1) Subject to the conditions and regulations in this Section and in any Order-in-Council respecting the granting of such licenses, a license may be granted or transferred to a firm registered under *The Partnership Registration Act*, if otherwise qualified.

Application
for firm
license.

(2) The application for such license shall be signed by the firm under its name as registered, and by every person registered as a member of such firm in his own name, and

the bond or other security to be furnished as provided by section 15 shall be executed and entered into or furnished by each registered member of the firm severally.

(3) Every registered member of the firm shall be severally liable to the fines and penalties imposed by this Act in the same manner and to the same extent as if he were the holder of the license, and any prosecution for contravention of any provision of this Act ~~in~~ ^{Liability of members of firm.} in or upon premises the license for which is held by a firm may be carried on against the individual members of the firm or any one or more of them jointly or severally; but not more than one of the members of the firms shall be convicted of the same offence, and the conviction of one of them shall be a bar to the conviction of the other or others of them.

(4) If during the term of the license any change takes place in the firm by death, dissolution of partnership, or the retirement of any member, the remaining member or members and the legal representatives of any such deceased member shall within one month thereafter obtain the written consent of the Board to the continuance of the business, and if such consent is not obtained or the license is not transferred as provided by section 26 such license shall be void. ^{Effect of changes in firm.}

(5) The license granted or transferred to any firm may be revoked or cancelled under the circumstances and in the manner provided by section 32 or by any other section of this Act, and those sections shall apply to firms in the same manner and to the same extent as to individuals, and the conviction of any member of the firm shall for the purposes of those sections be deemed to have been the conviction of the firm. ^{Cancellation of firm license.}

COMPANIES.

9.—(1) Subject to the conditions and regulations in this section and in any Order-in-Council respecting the granting of such licenses, a license may be granted or transferred to an incorporated company if otherwise qualified. ^{Tavern or shop licenses to companies.}

(2) The application for such license shall be signed by the president and secretary of the company and the corporate seal of the company shall be affixed thereto, and in lieu of the security required by section 15 such security shall be furnished by the company as shall be determined by Order-in-Council. ^{Application for company's license.}

Revocation
and cancel-
lation of
company's
license.

(3) The license granted to any company may be revoked or cancelled under the circumstances and in the manner provided by section 32 or by any other section of this Act, and those sections shall apply to companies in the same manner and to the same extent as to individuals.

DISQUALIFIED PERSONS.

Rejected
applicant
to be dis-
qualified for
three years.

10. If an applicant for a license has at any time or in any place been refused a license on the ground that he is not a fit person to hold a license, no application by such applicant shall be entertained within a period of three years from the last of such refusals, and no application by any person for a license shall be entertained within the said period if a person whose application has been refused for the same premises be living upon the premises of the applicant or be in any way connected with the business proposed to be carried on by such applicant.

Licenses
granted to
disqualified
persons.

11. No license shall be granted or transferred to any person declared by this Act to be a disqualified person during the continuance of such disqualification, and any license issued or transferred to a person so disqualified shall be void; and, if any licensee during the time he holds a license becomes disqualified to be an applicant for a license, the license then held by him shall thereupon become void.

Inspectors
disqualified.

12. No license shall be granted under the provisions of this Act to or for the benefit of any person who is an inspector, and no license shall be granted in respect of premises the owner or part owner of which is an inspector, and any license issued in contravention of this section shall be void and every local inspector who knowingly recommends the issue of a license in any such case shall be guilty of an offence against this Act.

APPLICATION FOR LICENSE.

Conditions
precedent
to grant of
license.
Filing
application.

13.—(1) No license shall be granted to any person unless

- (a) He has filed his application therefor, with the affidavits and bond hereinafter mentioned, with the local inspector on or before the first day of *March* in the year in which the license is to be granted;

- (b) He has given the security required by this Act; Giving security.
- (c) He is certified in writing signed by the inspector to be a person of good reputation and character; Certificate of inspector.
- (d) *He* has not been convicted of any offence against any of the provisions of this Act or any previous Act relating to the granting of licenses for the sale of liquor within three years prior to his application; Absence of convictions.
- (e) *He* has complied with the requirements of this Act preliminary to the issue of such license and has received a recommendation by the inspector in favour of the issue of the license; Compliance with requirements.
- (f) The warehouse or store in respect of which he applies for a license is such as is required by this Act and suitable for carrying on the business in a reputable manner; Suitability of premises.

(2) Every application received by the inspector shall be transmitted by him to the Board. Transmission of application to Board.

14. The application for a license shall be in the form given in Schedule "B" to this Act, and shall be accompanied by the affidavits of the applicant and two reputable persons residing in the district verifying the correctness of the statements in such application in the forms 1 and 2. Verification of statements in application.

15.—(1) Before any license is issued, the person applying for the same shall enter into a bond to His Majesty, with two good and sufficient sureties, residents of Ontario, to be approved by the local inspector, with the condition and in other respects according to the form, or to the effect given in Schedule "C" to this Act, as is applicable to the case, and such bond shall accompany the application and be filed therewith. Bond by applicant.

(2) Members of municipal councils, inspectors and constables shall not be accepted as sureties in the bond to be given under this section. Disqualification for suretyship.

(3) The penalty mentioned in the bond may on breach of the condition of the bond be recoverable by and shall be payable to His Majesty at the suit of the Attorney-General of Ontario. Recovery of penalty.

Acceptance
of bond of
guarantee
company.

(4) The bond of a guarantee company, approved of by the Lieutenant-Governor in Council under *The Public Officers Act*, may be accepted in lieu of a bond with personal sureties, in which case the necessary changes shall be made in the form of bond given in Schedule "C."

Amount of
security.

16. The amount of the bond shall be for the applicant or principal \$500, and for the sureties \$250 each, and such principal and sureties shall justify by affidavit in the said amounts respectively, but if the bond of a guarantee company is furnished it shall be in the sum of \$500.

Publication
of notice of
applications.

17. The inspector shall, at least fourteen days before the meeting of the Board at which applications are to be considered, cause to be published in at least two issues of some newspaper published in the county or district town, if there is one published therein, or in some other city or town in the county or district (if there is no such newspaper published in the county or district town);

(a) The name of each applicant for a license, who is not at the time of making the application a licensee in the municipality in which the license is sought to be obtained, or who applies for the licensing of premises not then under license;

(b) The description of license applied for and the place, described with sufficient certainty, where such applicant proposes to sell;

(c) The total number of licenses issued during the current license year; and

(d) The total number of applications for the ensuing year; and he shall also keep a list of all applications, to be entered in a book to be kept by him for the purpose, containing similar information, and such list shall be open to the public for inspection without charge.

Investiga-
tion by in-
spector and
report on
applications.

18. It shall be the duty of the inspector as soon as possible after the first day of March in each year to make an investigation in respect of the application and inspect the building and premises in respect of which the application for license is made and to report in writing to the board and such report shall contain:—

(a) A description of the buildings or premises in respect of which a license is asked and report on the suitability thereof for the proposed business;

- (b) If the application is made by a person who, under this or any other law of Ontario heretofore existing, held a license for the same premises during the preceding year for the sale of liquors, a statement showing the manner in which the premises were kept and the business conducted during the existence of the previous license, and the character of the persons frequenting the premises and the number of convictions against the applicant, if any;
- (c) A statement of the fitness of the applicant to receive a license and the character and reputation of such applicant;
- (d) A statement of any objection against the applicant or the said warehouse or store, and of anything which in the opinion of the inspector should constitute an objection to the granting of the application.

19. All papers in the office of the inspector connected with applications and objections thereto shall be at all times open to the inspection of the public without charge.

Papers in
inspector's
office may
be seen.

20. Any ten or more electors of any polling subdivision may object by petition, or in any similar manner, to the granting of any license within such subdivision on the ground that:—

Objections
to applica-
tions.

- (a) That the requirements of this Act preliminary to the hearing of the application or relating to the application or affidavits have not been observed by the applicant, or that the bond filed by the applicant is not a good and sufficient bond for any reason, or that the sureties therein named are not good and sufficient sureties;
- (b) That the applicant is of bad fame or character, or of drunken habits, or has within three years previously forfeited a license issued under this or any other law now or heretofore existing respecting the licensing of the sale of liquor; that the applicant has been convicted within the period of three years next preceding the date of the application of a disqualifying infraction of this or any previously existing *Liquor License Act*; or that he has within the period of three years next preceding the date of the application kept a place in which the illicit sale of or dealing in liquors was frequent and notorious; or

(c) That the premises in question are not such as to comply with the requirements of this Act, or are so constructed or equipped as to facilitate the violation of this Act;

(d) That the applicant cannot comply with or fulfil the conditions or does not possess the qualifications required by section 13 of this Act.

Board may refuse license on other grounds.

Any of the above grounds on being established shall be sufficient to justify the Board in refusing to grant the application, but the above shall not be the only objections to be considered or given effect to by the Board.

Appointment and notice of hearing application and objections to license.

21. In case notice of objections to the issue of a license is filed and given as aforesaid the Board or some member of the Board shall fix a convenient time and place at which to hear evidence with regard to the application and the objections thereto, and the inspector shall thereupon give notice thereof in writing by registered post to the applicant and to the persons filing objections.

Powers of Board on hearing.

22.—(1) At the time and place so fixed for the hearing of evidence regarding such application and objections, or at the time and place fixed by adjournment the Board or a member thereof shall proceed to hear such evidence, and for that purpose shall possess the powers and authority of a judge sitting for the trial of an action, including the subpoenaing, calling and paying of witnesses, maintenance of order and other matters not herein specially provided for shall be followed.

Hearing to be open to public.

(2) The hearing of such applications shall be open to the public.

Applicant to be present.

(3) Every applicant shall be personally present at the hearing of his application, unless he is absent for a reason satisfactory to the Board.

Adjournment of hearing.

(4) The Board may from time to time adjourn the hearing of any application.

Who may be present at hearing and be heard.

23. The inspector, the applicant and any person objecting to the application as hereinbefore mentioned, and the representative of any municipality wherein is situated the warehouse or store proposed to be licensed, shall be entitled to be present at such hearing and to be heard personally or by counsel or agent and to produce witnesses and evidence.

24.—(1) On all applications, and whether objections have been made or filed or not, it shall be the duty of the inspector to see that the requirements of this Act preliminary to the hearing of the application have been complied with. Inspector to see that requirements complied with.

(2) If the inspector certifies in writing to the Board that such requirements have been complied with, but not otherwise, the Board shall proceed to consider every such application and all objections thereto, and all matters concerning the same, and to ascertain whether all the statutory requirements have been complied with, and to take notice of any objection whether the same is filed or not, and whether any person has raised it or not, and to take evidence of witnesses on oath in respect thereof if they deem such evidence necessary or proper, and for the purposes of this section the Board may fix a time and place to hear the parties to the application and any objection thereto in the same way and with the same powers and authority as provided in cases where notice of objection has been formally given as provided by this Act, and the Board after having fully considered the matter may in their discretion grant or refuse the application. Board to consider and deal with application.

(3) The Board may require the production of evidence as to ownership of business.

TRANSFER OF LICENSES, REMOVAL OF LICENSES.

25. If any person having lawfully obtained a license under this Act removes or intends to remove from the premises in respect of which the said license applies, he may apply to the Board for their written consent to the transfer of such license to the premises to which the licensee has removed or intends to remove, and the Board may, if they see fit, give their written consent to such transfer or may require the licensee to proceed as in the case of transfer of license to another person as hereinafter provided for. Removal of licensee to other premises.

26. If any person having lawfully obtained a license under this Act dies before the expiration of his license, or sells or otherwise assigns his business or becomes dispossessed of it by operation of law, or if the licensed premises are destroyed by fire or otherwise, the license, subject to sections 27 and 28, shall *ipso facto* become forfeited and be absolutely null and void to all intents and purposes whatsoever. Death of licensee.

27. The Board may, if it seems proper, give in writing permission for the carrying on of business under any such license in the premises described in such written permission Permit to executors, etc., to carry on business.

by any person who may appear to be entitled to the benefit thereof, but such permission shall not extend beyond the period of one month from the happening of the event from which the forfeiture of the license would result, and such permission shall entitle the person to whom it is granted to the benefit of the license during that month according to the terms of the permission.

Transfer of
license.

28. Any person claiming the benefit of such license may, within such period of one month, apply to the Board for the transfer thereof to him or to other premises as the case may be, and the like proceedings shall be had and taken for the hearing and consideration of such application by the Board as are provided in section 30 hereof in the case of application for a license at other than the regular time.

Security to
apply to new
premises.

29. Any bond or security which the holder of a license may have given for any purpose in relation to such license shall, in case of removal, apply to the warehouse or store to which such removal is authorized; and, in all cases where a party other than the original licensee applies under any circumstances for the transfer of a license to him, he shall furnish such security as may be required in the case of an original application for a license.

Application
for license
after date
of general
issue.

30. If any person, who has not been refused a license within the year next preceding, wishes to apply for a license at any other time than as hereinbefore provided, he may send to the Inspector his application, and thereupon the Inspector, under the direction of the Board, shall advertise such application in the manner provided for by section 17 and all the provisions of this Act as to objections to licenses and the conduct of any proceedings at and subsequent to the regular hearing of applications shall apply to every application made under this section.

Cancellation
on applica-
tion of
licensee.

31. The Board may at any time, upon application by a licensee, cancel the license held by such licensee.

Cancellation
by county
judge where
license
obtained by
fraud, etc.

32.—(1) Where a complaint in writing signed by ten or more ratepayers resident near the warehouse or store referred to in the complaint, or occupied by the person complained against, is lodged with the Inspector, together with the sum of \$20, to be paid to the Treasurer of Ontario, to form part of the Consolidated Revenue Fund, to the effect that the license for any premises or any transfer thereof to another person or to other premises has been obtained by fraud or false statements, or in an improper manner, or that the conditions necessary to the granting of such license do

not exist at the time of the complaint, or that the licensed premises are constructed in such a way as not to be in accordance with the requirements of this Act, or that the licensee is not keeping the licensed premises in an orderly manner or in accordance with such requirements, or that he has been guilty of any infraction of this Act for which his license is declared subject to forfeiture, the inspector shall forthwith give notice of such complaint to the licensee and transmit the complaint to the Judge of the county or district court of the county or district in which such licensed premises are situate, and the Judge shall thereupon fix a time and place when he will hear the complaint, and notice in writing of such time and place shall be mailed by the judge or, at the request of the judge, by the clerk of the county or district court, at least ten days before the hearing, to the person complaining and the persons complained against, and the judge shall proceed to hear and summarily determine the matter of the complaint, and the proceedings in and about the same, including the compelling the attendance and hearing of witnesses, shall, as nearly as possible, be the same as in the case of hearing of an action in the county or district court, and the judge shall, if he finds the complaint established, adjudge that such license ought to be revoked and thereupon shall order that the same be revoked and cancelled accordingly; and thereupon the license shall be and become inoperative and of no effect, and the person to whom such license is issued, shall thereafter during the full period of two years, be disqualified from obtaining any further or other license under this Act.

(2) In the event of the cancellation of a license under subsection 1, the sum of \$20, so deposited with the Treasurer of Ontario, shall be returned to the complainant upon the production of the order of the judge. Return of deposit of complainant.

VENDOR'S LICENSE.

33. A *vendor's* license shall be in the form given in Schedule "A" to this Act. Druggist's wholesale license.

34. A *vendor's* license shall not authorize the sale of liquor in quantities greater than those mentioned in this Act, or otherwise or in any other place, or to other persons or for other purposes than as *provided in this Act*. Limitation as to quantities.

35.—(1) No *vendor* shall sell any alcohol for mechanical or scientific purposes except upon the affidavit of the applicant which shall be in the form in Schedule "D" to this Act, and which shall set forth that the alcohol is required Sale of alcohol for mechanical or scientific purposes.

for mechanical or scientific purposes alone, and not to be used as a beverage or to be mixed with any other liquid for use as a beverage, nor to sell, nor to give away, and that it is intended only for the applicant's own use for mechanical or scientific purposes, and that the applicant is over twenty-one years of age, and shall also set forth the quantity desired.

No more than one sale and one delivery to be made.

(2) No more than one sale and one delivery shall be made on one affidavit, and the licensee shall file and retain such affidavit in his office and allow the same to be inspected by any person at any time within one year from the date thereof.

Record of sales by licensee.

36. Every licensee holding a *vendor's* license and every druggist and wholesale druggist shall keep or cause to be kept an accurate record of each sale and disposal of any liquor made by him, his clerks, servants or agents, in a book to be kept for that purpose, and such record shall be made before the delivery of such liquor and shall show the time when, the name and address of the person to whom the same was made, and the kind and quantity sold.

Hours of sale.

37. No sale or other disposal of liquors shall take place on, out of, or from any licensed premises of a licensee holding a *vendor's* license, to any person or persons whomsoever, nor shall such licensed premises be open, from or after the hour of seven o'clock on Saturday night until seven o'clock on Monday morning thereafter, or from eight o'clock at night until seven o'clock in the morning on the other days of the week.

Return of records of sales.

38. Every licensee under this Act and every druggist and wholesale druggist shall on the first days of the months of September and March in each year send to the Board a copy of the record mentioned in section 36 of this Act for the months not previously returned, verified by his affidavit attached thereto, and such affidavit shall state that no other sales were made during such months save those mentioned in the copy of the record sent to the Board.

Communication with other premises.

39. Every distiller, brewer or other person licensed by the Government of Canada to manufacture any liquor mentioned in section 45 hereof, and every liquor exporter mentioned in section 46 hereof, and every *vendor*, who makes or uses or allows to be made or used any internal communication between the premises in which he is entitled to carry on the business of manufacture or sale of any liquor and any other premises, except by means of electric telephone or telegraph, shall be guilty of an offence

and liable to a penalty of \$50 for every day during which such communication exists, and in default of payment to one month's imprisonment for each day as aforesaid.

PROHIBITIONS AND REGULATIONS.

40. No person shall by himself, his clerk, servant or agent, expose or keep for sale or directly or indirectly or upon any pretence or upon any device sell or barter or, in consideration of the purchase or transfer of any property or thing, or at the time of the transfer of any property or thing, give to any other person any liquor without having first obtained a license under this Act authorizing him so to do, and then only as authorized by such license and as prescribed by this Act. Keeping for sale.


41.—(1) Except as provided by this Act, no person by himself, his clerk, servant or agent shall have or keep or give liquor in any place wheresoever, other than in the private dwelling house in which he resides, without having first obtained a license under this Act authorizing him so to do, and then only as authorized by such license. Liquor not to be kept in unauthorized places.

(2) No licensee, and no partner, clerk, agent or servant of such licensee, shall allow any liquor to be consumed or drunk within or upon the licensed premises. Consumption of liquor on licensed premises.

(3) This section shall not prevent any person engaged in mechanical business or in scientific pursuits from having in his possession alcohol for mechanical or scientific purposes, as the case may be, in a quantity not exceeding *two* gallons at any one time, in addition to alcohol used in the preservation of specimens for scientific purposes, or prevent any minister of the gospel from having in his possession wine for sacramental purposes; but no person in this subsection mentioned shall use or consume or allow to be used or consumed any of the liquor which may so be kept by him as a beverage. Alcohol for mechanical or scientific purposes.

(4) Nothing in this section shall prevent the keeping in any public hospital or in any private hospital, sanatorium for consumptives, or private sanitarium, liquor for the use of patients, but no such liquor shall be consumed by any person other than a patient, and then only when prescribed or administered by a physician as provided by section 51 of this Act. Hospitals.

42. Every person, whether licensed or unlicensed, who, by himself, his servant, or agent canvasses for, or receives, or Canvassing.

solicits orders for liquor for beverage purposes within this Province, shall be guilty of an offence against this Act and shall incur the penalties provided in section 59 of this Act. 

Sales under
judicial
process.

43. Nothing in section 40 hereof contained shall apply to sales under execution or other judicial process or for distress, or to sales by assignees or trustees in bankruptcy or insolvency, provided that the stock of liquor is not broken for the purpose of such sale, and nothing in section 49 contained shall prevent common carriers or other persons from carrying or conveying liquor from a place outside of Ontario to a place where the same may be lawfully received and lawfully kept in Ontario, or from a place where such liquor is lawfully kept and lawfully delivered within Ontario to a place outside Ontario, or from a place where such liquor may be lawfully kept and lawfully delivered in Ontario to another place in Ontario where the same may be lawfully kept, or through Ontario from a place outside of it to another place outside of it, but no person during the time such liquor is being carried or conveyed as aforesaid shall open or break or allow to be opened or broken any package or vessel containing the same, or drink or use or allow to be drunk or used any liquor therefrom.



Sale of
native wines.

44.—(1) Subject to any regulations or restrictions which the *Board* may impose, manufacturers of native wines, from grapes grown and produced in Ontario, may sell the same in wholesale quantities only, that is to say in quantities of *not less than* five gallons in each cask or vessel at any one time and when sold in bottles not less than one dozen bottles of at least three half pints each at any one time.

Restric-
tions.

(2) A manufacturer of native wines who sells such wines otherwise than as permitted by this section or who allows any wine so sold or any part thereof to be drunk upon the premises of such manufacturer shall be guilty of an offence against this Act.

Licensed
brewers and
distillers.

45. Nothing herein contained shall prevent any brewer, distiller or other person duly licensed by the Government of Canada, for the manufacture of spirituous, fermented or other liquors, from keeping or having liquor manufactured by him in any building wherein such manufacture is carried on, provided such building does not contravene the provisions of section 39 hereof, or for selling liquor therefrom to a person in another Province or in a foreign country or to a licensee under this Act,  nor shall it prevent a distiller from selling to a wholesale or retail druggist distilled liquor. 

46.—(1) Nothing herein contained shall prevent any person from having liquor for export sale in his liquor warehouse, provided such liquor warehouse and the business carried on therein complies with the requirements in subsection 2 hereof mentioned, or from selling from such liquor warehouse to persons in other Provinces or in foreign countries. Export sale warehouses.


(2) The liquor warehouse in this section mentioned shall be suitable for the said business and shall be subject to the approval of the Board, and shall be so constructed and equipped as not to facilitate any violation of this Act, and not connected by any internal way or communication with any other building or any other portion of the same building and shall be a wareroom or building wherein no other commodity or goods than liquor for export from Ontario are kept and wherein no other business than keeping or selling liquor as aforesaid is carried on. Requirements as to building.



47. No person shall use or consume liquor in Ontario purchased and received from any person in Ontario, unless it be purchased and received from a licensee, but this section shall not apply to any person who within a private dwelling house innocently uses or consumes liquor not thus purchased and received. Use and consumption of liquor procured in Ontario prohibited.

48. For the purpose of evidence, every brewer, distiller or other person licensed by the Government of Canada and mentioned in section 45 hereof, and every liquor exporter mentioned in section 46 hereof, who makes a sale of liquor in Ontario, shall immediately enter in a book to be kept for that purpose the date of such sale, the kind and quantity sold, the person to whom such sale was made and the person or carrier to whom the same was delivered for carriage; and the failure of such person to make, keep and produce as evidence the said entry and record of such sale shall, in any prosecution under this Act of such person for illegally making such sale of liquor, be *prima facie* evidence against such person of having illegally sold such liquor. Record may be kept by brewers, etc., as evidence.

49.—(1) No person shall by himself or his partner, servant, clerk, agent or otherwise, sell or deliver liquors of any kind to any person not entitled to sell liquor and who sells such liquor or who buys for the purpose of reselling, and any violation of the foregoing provision shall be an offence under this Act. Sale for unlawful re-sale.



(2) No person shall be convicted under this section who establishes to the satisfaction of the magistrate before whom the prosecution is heard that he had reason to believe and did



believe that the person to whom the liquor was sold or delivered, did not sell liquor unlawfully, or did not buy to resell, and that he was entitled to purchase the same. 

 (3) No person shall take or carry, or employ or suffer any other person to take or carry, any liquor out of any premises where the same is lawfully kept for sale for the purpose of being sold in Ontario by any person except a licensee or as otherwise provided by this Act. 

Consumption on licensed or authorized premises forbidden.



50.—(1) No person shall consume any liquor in or upon any licensed premises or in any liquor warehouse mentioned in section 46 hereof, nor in any distillery or brewery mentioned in section 45 hereof, and no person shall purchase any liquor from any person who is not authorized to sell the same for consumption within the Province, and no person who purchases liquor shall drink or cause any one to drink or allow such liquor to be drunk upon the premises where the same is purchased.



 (2) If it is made to appear to the magistrate before whom any complaint under this Act is heard, that the person charged with the violation of this section was acting as an officer whose duty it was to enforce this Act, or was acting under the instructions or authority of any Board, Inspector or Provincial officer, for the purpose of detecting a known or suspected offender against this Act, and of obtaining evidence upon which he might be brought to justice, the defendant shall not be convicted. 



 (3) If upon any prosecution under this Act or under any regulation or by-law made or passed under this Act it appears from the evidence of any witness that such witness was unlawfully present at the time or place at which the offence was committed or did unlawfully procure or attempt to procure liquor at such time or place the magistrate before whom the prosecution is brought may, having regard to the demeanour of the witness and his mode of giving evidence, by certificate in that behalf exempt such witness from prosecution for such unlawful act; but no such exemption shall be granted to any person charged with the unlawful keeping for sale or other disposal of liquor nor to the keeper or occupant of premises upon which the offence in respect of which the prosecution is brought is alleged to have been committed. 



Rights of medical practitioners.



51.—(1) Any physician who is lawfully and regularly engaged in the practice of his profession, and who shall deem any intoxicating liquors necessary for the health of his patients, may give such patient or patients a written or

printed prescription therefor,  addressed to a druggist and not exceeding six ounces, except in the case of alcohol for bathing a patient or other necessary purpose, or liquor mixed with any other drug is required when a quantity not exceeding one pint may be prescribed,  but no such prescription shall be given except in cases of actual need, and when in the judgment of such physician the use of liquor is necessary. And every physician who shall give such prescription in evasion or violation of this Act or who shall give to or write for any person a prescription for or including intoxicating liquor for the purpose of enabling or assisting any person to evade any of the provisions of this Act, or for the purpose of enabling or assisting any person to obtain liquor for use as a beverage, or to be sold or disposed of in any manner in violation of the provisions of this Act, shall be guilty of an offence under this Act.

 (a) Upon the prescription of a duly qualified medical practitioner a vendor under this Act may sell and supply for strictly medicinal purposes—

 (1) Ale, beer, and porter in quantities not exceeding one dozen bottles, containing not more than three half pints each at any one time; 

 (2) Wines and distilled liquor not exceeding one quart at any one time. 

 All the provisions of this Act applicable to prescriptions addressed to and the sale of liquor by druggists, save as to quantity, shall apply to prescriptions addressed to and the sale of liquor by a Vendor under this Act. 

(2) Any dentist who is a duly registered member of the ~~Dentists~~ Royal College of Dental Surgeons of Ontario and who is lawfully and regularly engaged in the practice of his profession, and who shall deem it necessary that any patient being then under treatment by him should be supplied with liquor as a stimulant or restorative, may himself administer to such patient the liquor thus needed, and for such purpose he may keep in his office a quantity of liquor not exceeding *six ounces* at any one time, but such liquor shall not be administered except in the case of actual need and shall not be drunk or consumed by any other person than such patient, and every such dentist who shall administer such liquor in evasion or violation of this Act shall be guilty of an offence against this Act.

Veterinary
surgeons.

(3) Any duly qualified veterinary surgeon may have liquor in his possession for use in his practice not exceeding in quantity one *quart*, but no person shall drink or consume any of such liquor.

Supplying
to minors.

52. Liquor shall not be given, sold or otherwise supplied to any person apparently under the age of twenty-one years, but this shall not apply to the supplying of liquor to a person under the age of twenty-one years for medicinal purposes only by the parent or guardian of such person or by a retail druggist licensee upon the prescription of a duly qualified medical practitioner.

Penalty for
sale, etc.,
by clubs.

53.—(1) Every society, association or club heretofore or hereafter formed or incorporated, and every unincorporated society, association or club, and every member, officer and servant thereof, or person resorting thereto, who sells or barter or therein gives liquor to any member thereof or to any other person, and every person who directly or indirectly keeps or maintains, by himself or by associating or combining with any other or others, or in any manner aids, assists or abets in keeping or maintaining, any clubhouse, club or association room or hall or other place in which any liquor is received or kept for the purpose of use, gift, barter or sale as a beverage, or for distribution or division among the members of any society, club or association by any means whatever, and every person who uses, barter, sells or gives away or assists or abets another in bartering, selling or giving away any liquor so received and kept, shall be held to have violated section 40 of this Act and shall incur the penalties provided for the sale of liquor without license.

Keeping
liquor in
clubs.

(2) The keeping or having any liquor in the house, hall or building, or in any room or place occupied or controlled by any such club, association or society, or by any persons associating or combining together as aforesaid, shall be a violation of subsection 1 of section 41 of this Act.

Proof of
consump-
tion on
premises.

(3) Proof of consumption or intended consumption of liquor in such premises by any member of any such club, association or society, or person who resorts thereto, shall be conclusive evidence of sale of such liquor.

Liability of
occupant
and mem-
bers.

(4) The occupant of such premises or any member of the club, association or society, or person who resorts thereto, shall be taken conclusively to be the person who has or keeps or sells therein such liquor and any liquor found on such premises shall be liable to seizure in the manner provided by this Act.

54. If the occupant of any private dwelling house or of any part thereof is convicted of any offence against any of the provisions of this Act committed in or in respect of such house the same shall be taken to have ceased to be a private dwelling house within the meaning of this Act during the time the person so convicted occupies the said house or any part thereof.

Occupant
of private
dwelling.

55.—(1) Whenever any person has drunk liquor to excess and, while in a state of intoxication from such drinking, has come to his death by suicide or drowning, or perishing from cold or other accident caused by such intoxication, the person or persons who furnished or gave the liquor to such person when in a state of intoxication, or on whose premises it was obtained by such intoxicated person while intoxicated, shall be liable to an action for a wrongful act and as a personal wrong, and subject to the provisions of subsection 2, such action may be brought under *The Fatal Accidents Act*, and the amount which may be recovered as damages shall not be less than \$100 nor more than \$1,500.

Fatal
accidents
caused by
use of
liquor.

Rev. Stat.
c. 151.

(2) Any such action shall be brought within six months from the date of the death of such intoxicated person and not afterwards

Limitation
of actions.

(3) Where a person is found upon a street, highway or in any public place in this Province in an intoxicated condition he shall be guilty of an offence against this Act, and upon any prosecution for such offence he shall be compellable to state the name of the person from whom and the place in which he obtained the liquor which caused the intoxication, and in case of his refusal to do so he shall be imprisoned for a period not exceeding three months or until he discloses such information.

Person
found intoxi-
cated com-
pellable to
disclose
name of
vendor.

(a) In this section "public place" shall include any place, building or public conveyance to which the public habitually resort or to which the public generally are admitted either free or upon payment of any charge or fee or by the purchase of tickets or otherwise.

56. If a person in a state of intoxication assaults any person, or injures any property, the person who furnished him with the liquor which occasioned his intoxication, if such furnishing was in violation of this Act, or otherwise in violation of law, shall be jointly and severally liable to the same action by the person injured as the person intoxicated may be liable to; and the person injured, or his legal representatives, may

Persons who
furnish the
liquor liable
for certain
injuries
committed
by person
intoxicated.

bring either a joint and several action against the person intoxicated and the person or persons who furnished such liquor or a separate action, against either or any of them.

Money paid
for liquor
sold con-
trary to this
Act may not
be recov-
ered.

57. Any payment or compensation for liquor furnished in contravention of this Act or otherwise, in violation of law, whether made in money or securities for money, or in labour or property of any kind, shall be held to have been received without any consideration, and against justice and good conscience, and the amount or value thereof may be recovered from the receiver by the party who made the same; and every sale, transfer, conveyance, lien and security, in whole or part, made, granted, or given, for or on account of liquor so furnished in contravention of this Act, or otherwise in violation of law shall be wholly null and void, save only as regards subsequent purchasers or assignees for value, without notice; and no action of any kind shall be maintained, either in whole or in part, for or on account of any liquor so furnished in contravention of this Act, or otherwise in violation of law.

PENALTIES.

Securities,
etc., for
payment to
be void.

58. Every person who offends against any of the provisions contained in sections 7, 37, 40, 41, 43, 49 and 53 of this Act, or in any of them, shall be liable on summary conviction to a penalty for the first offence of not less than \$200 nor more than \$1,000, and in default of immediate payment to imprisonment for not less than three nor more than six months, and if the offence was committed by a licensee or by any person acting under his instructions, or with his privity or consent, he shall also be liable in the discretion of the judge, magistrate, justice or justices of the peace, to have his license forfeited and avoided, and for a second offence to imprisonment for not less than six nor more than twelve months, and if the offence be committed by a licensee or any person acting under his instructions or with his privity or consent the license of such licensee shall thereupon become forfeited and void and he shall be incapable of becoming a licensee under this Act for a period of three years thereafter.

Penalty.


59. Every person who offends against any of the provisions contained in sections 35, 36, 42, 47, 50, 51 and 52 of this Act, or any of them, shall be liable on summary conviction to a penalty for the first offence of not less than \$50 nor more than \$300, and in default of immediate payment to imprisonment for not less than two months nor more than four months, and for the second offence to a penalty of not less than \$100 nor more than \$500, and in default of immediate payment to imprisonment for a term of not less


than four months nor more than eight months; and if the offence was committed by a licensee, or by any person acting under his instructions or with his privity or consent, the license of such licensee shall thereupon become forfeited and void, and he shall be incapable of becoming a licensee under this Act for a period of three years thereafter.


60. For every offence against this Act or any of the provisions thereof, for which a penalty or penalties has or have not been specially provided by this Act, the person committing the offence shall be liable on summary conviction to a penalty of not less than \$10 nor more than \$100, and in default of immediate payment to imprisonment for a period of not less than ten days nor more than two months. Penalty.

ENFORCEMENT AND PROSECUTIONS.

61.—(1) The duty of seeing that the provisions of this Act are complied with and of enforcing the same and of prosecuting persons offending against such provisions shall devolve upon the Board and the inspectors and other officers appointed pursuant to this Act. But nothing herein contained shall prevent or be construed to prevent any person from laying an information or prosecuting in respect of any offence or supposed offence against the provisions of this Act. Duty of enforcing Act.

 (2) All informations or complaints for the prosecution of any offence against any of the provisions of this Act, shall be laid or made in writing, within thirty days after the commission of the offence or after the cause of action arose, and not afterwards, before any Justice of the Peace for the county in which the offence is alleged to have been committed, and may be made without any oath or affirmation to the truth thereof, and the same may be according to Form given in Schedule "F", to this Act or to the like effect. Information.
When to be laid.
Form.

 (3) All prosecutions under this Act, whether for the recovery of a penalty or otherwise, shall take place before two or more justices of the peace or a police magistrate having jurisdiction, except in the case of a licensee or for any offence committed on or with respect to licensed premises which may be tried by one Justice of the Peace. All other prosecutions may be before two or more Justices.

 (4) Whenever a prosecution is brought against any person under this Act for an offence of which he has been previously convicted and for which a different or greater penalty is imposed in the case of a second or any subsequent offence, the Inspector shall prosecute as for a second or subsequent offence according to the fact. Duty of Inspector as to second offences.

Penalty. (5) Any Inspector who knowingly or wilfully contravenes the provisions of this section shall incur a penalty of not less than \$20 nor more than \$50.

Duties of
Provincial
Inspector.

62. A provincial inspector shall examine the books and accounts of each local inspector for the purpose of ascertaining whether the same are properly kept and all entries properly made, and shall examine into the accounts and mode of inspection of each inspector and into the way in which he enforces the provisions of this Act, and shall ascertain whether or not the duties of the local inspector are faithfully and efficiently performed, and may hold investigations into the conduct of any local inspector as to the enforcement of this Act or any alleged violation or evasion of it, and for that purpose shall have and may exercise all the powers which may be conferred upon a commissioner appointed under *The Public Inquiries Act*.

Rev. Stat.
c. 18.

Duty of
inspectors.

63. Every local inspector shall perform the duties specially devolving upon him under any provisions of this Act and shall inspect all licensed premises and other premises in his locality where liquor may be lawfully kept for sale, and he shall see that all provisions of this Act are observed and enforced in his district and that all persons offending against such provisions are promptly prosecuted, and he shall perform such other duties as may be assigned to him in respect of this Act and its enforcement by the Board.

Inspectors,
policemen,
etc., to be
within Act.

64.—(1) Every inspector and Provincial officer appointed under this Act and every policeman or constable shall be deemed to be within the provisions of this Act, and it shall be his duty to carry out and enforce the same; and, when any information is given to any such inspector, policeman or constable that there is cause to suspect that some person is violating any of the provisions of this Act, it shall be his duty to make diligent inquiry into the truth of such information and to enter complaint, in his own name, of such violation before the proper magistrate, without communicating the name of the person giving such information.

Penalty.

(2) Every inspector, policeman or constable neglecting or refusing to carry out and enforce this Act shall incur a penalty of \$10, and may be summarily dismissed from office.

Duties of
officers and
Crown
Attorney's
on receiving
information
of infringement
of this Act.

65. Where any information is given to any officer, policeman, constable, or inspector that there is cause to suspect that some person is contravening any of the provisions of this Act, it shall be his duty to make diligent enquiry into the truth of such information, and to enter complaint of such contravention before the proper Court, without communicating the

name of the person giving such information; and it shall be the duty of the Crown Attorney within the county in which the offence is committed to attend to the prosecution of all cases committed to him by an inspector or officer appointed under this Act by the Lieutenant-Governor.

66.—(1) Any officer, policeman, constable or inspector may, for the purpose of preventing or detecting the contravention of any of the provisions of this Act which it is his duty to enforce, at any time enter into any and every part of any place of public entertainment, shop, warehouse or other place wherein refreshments or liquors are sold, or reputed to be sold, and may make searches in every part thereof and of the premises connected therewith, as he may think necessary for such purpose. Right of search.

(2) Every person being therein, or having charge thereof, who refuses or fails to admit such officer, policeman, or constable, or inspector demanding to enter in pursuance of this section in the execution of his duty, or who obstructs or attempts to obstruct the entry of such officer, policeman, constable or inspector, or any such searches as aforesaid, shall be guilty of an offence against this Act. Penalty for refusing to admit officer.

67. Any magistrate having jurisdiction upon information by any officer, policeman, constable or inspector that there is reasonable ground for belief that any liquor is being kept for sale or disposal contrary to the provisions of this Act in any house or place within the jurisdiction of such magistrate, may issue a warrant under his hand, by virtue whereof the person named in such warrant or any constable to whom it is directed or delivered, at any time or times within ten days from the date thereof, may enter, and, if need be, by force, the place named in the warrant, and every part thereof, or of the premises connected therewith, and examine the same and search for liquor therein; and for this purpose the person executing the warrant may, with such assistance as he deems expedient, break open any door, lock, or fastening of such premises, or any part thereof, or of any closet, cupboard, box or other receptacle likely to contain any such liquor; and in the event of any liquor being so found on the said premises, the occupant thereof shall, until the contrary is proved, be deemed to have kept such liquor for the purpose of sale contrary to the provisions of section 40. Search warrant.

Unlawful keeping of liquor to be evidence of illegal dealings therein.

68.—(1) Where any inspector, policeman, constable or officer in making or attempting to make any search under or in pursuance of the authority conferred by the next preceding two sections or under the warrant mentioned in the next Seizure of liquor found on unlicensed premises.

preceding section, finds in an unlicensed house or place any liquor which in his opinion is unlawfully kept for sale or disposal contrary to this Act, he may forthwith seize and remove the same, and the vessels in which the same is kept, and upon the conviction of the occupant of such house or place, or of any other person for keeping liquor for sale in such house or place without license, the magistrate making such conviction, may in and by such conviction, or by a separate or subsequent order, declare such liquor and vessels, or any part thereof, to be forfeited to His Majesty, to be destroyed or otherwise dealt with in such manner as the Minister may direct.

Officer may demand names and addresses of frequenters of unlicensed premises.

(2) Any inspector, policeman, constable or officer having in pursuance of the next two preceding sections or either of them entered any unlicensed premises in which he seizes or from which he removes any liquor, may demand the name and address of any person found therein, and if such person refuses to give his name and address, or if the inspector, policeman, constable or officer has reasonable ground to suppose that the name or address given is false, may examine such person further as to the correctness of such name or address, and may if such person fails upon such demand to give his name or address or to answer satisfactorily the questions put to him by the inspector, policeman, constable or officer, apprehend him without warrant and carry him, as soon as practicable, before a Justice of the Peace.

Penalty upon persons found.

(3) Any person so found on the premises who in answer to the inspector, policeman, constable or officer, refuses to give his name and address or gives a false name or address, or gives false information with respect to such name or address, or fails to answer satisfactorily the questions put to him by the inspector, policeman, constable or officer, shall incur a penalty of not less than \$10 nor more than \$20, and in default of payment shall be imprisoned for a period of not less than twenty and not more than forty days.

If no conviction liquor shall be returned.

69. If the occupant or other person as aforesaid be not convicted of keeping the liquor or any part thereof for sale, the inspector, policeman, constable or officer so seizing the liquor shall return the same to the place where such seizure was made; and he and any other person acting with him, or by or under his direction, and the policeman, constable or other officer so acting shall be a public officer within the meaning of *The Public Authorities Protection Act*.

Rev. Stat. c. 89.

Right to seize liquor in transit.

70.—(1) Where an inspector, policeman, constable or officer finds liquor in transit or in course of delivery upon the premises of any railway company, or at any wharf, rail-

way station, express office, warehouse or other place, and believes that such liquor is to be sold or kept for sale in contravention of this Act, he may forthwith seize and remove the same together with the package or packages in which such liquor is contained.

(2) Any inspector, policeman, constable or officer, if he believes that liquor intended for sale or to be kept for sale in contravention of this Act, is contained in any vehicle on a public highway or elsewhere, or is concealed upon the land of any person, may enter and search such vehicle, and may enter upon and search such land and seize and remove any liquor found there and the vessels in which the same is kept; or if he finds either upon the public highway or elsewhere, any trunk, box, valise, bag or other receptacle whatever which he believes contains liquor for sale in contravention of this Act he may forthwith seize and remove the same together with the package or packages in which such liquor is contained whether in the custody of or under the control of any person or not.

Or to search
vehicle and
lands for
liquor.

(3) Where liquor has been seized under subsection 1 or subsection 2 the person seizing the same shall give information under oath before a justice of the peace, who shall thereupon issue his summons directed to the shipper, consignee or owner of the liquor if known, calling on him to appear at a time and place named in the summons and show cause why such liquor should not be destroyed or otherwise dealt with as provided by this Act.

Proceedings
before a
justice in
such case.

(4) It shall be sufficient service of the summons if the same is delivered to the shipper, consignee or owner, or be left with some grown-up person at the express office, railway station or other place in which the liquor is found or to the owner of the lands on which the same is found.

Service of
summons.

(5) The summons shall be made returnable within thirty days after the service thereof.

When re-
turnable.

(6) At the time and place named in the summons any person who claims that the liquor is his property and that the same is not intended to be sold or kept for sale in violation of this Act may appear and give evidence before the justice, and the justice shall receive such evidence and the evidence of the person who seized the liquor and such other evidence as may be adduced in the same manner as upon a complaint or information made under this Act.

Evidence.

(7) If no person claims to be the owner of the liquor, or if the justice disallows such claim, and finds that it was

Liquor
seized, how
dealt with.

intended that such liquor was to be sold or kept for sale in contravention of this Act he may order that such liquor and any vessels containing the same shall be forfeited to His Majesty to be destroyed or otherwise dealt with in such manner as the Minister may direct.

To be restored to owner in certain cases.

(8) If the justice finds that the claim of any person to be the owner of the liquor is established, and that it does not appear that it was intended to sell or keep such liquor for sale in contravention of this Act he shall dismiss the complaint and order that such liquor be restored to the owner.

Shipping in fictitious name evidence of intention to sell unlawfully.

(9) If it appears to the justice that such liquor or any part thereof was consigned to some person in a fictitious name or was shipped as other goods, or was covered or concealed in such manner as would probably render discovery of the nature of the contents of the vessel, cask or package in which the same was contained more difficult, it shall be *prima facie* evidence that the liquor was intended to be sold or kept for sale in contravention of this Act.

Rev. Stat. c. 69.

(Note.—*Liquor seized under this Act cannot be replevied. See The Replevin Act.*)

Disposal of liquor forfeited.

71. Any liquor forfeited under this Act to His Majesty and directed by the Minister to be sold shall be sold to a license holder only and the proceeds after the payment of any lawful costs of carriage and the expenses of the seizure and sale shall be paid to the Treasurer of Ontario for the use of the Province.

PROSECUTIONS.

Procedure.

72. Except so far as otherwise expressly provided by this Act, the penalties imposed by or under the authority of this Act shall be recoverable under *The Ontario Summary Convictions Act*; and the provisions of the said Act shall apply to every prosecution hereunder.


Rev. Stat. c. 90.

Interference of magistrates.


73. When any prosecution under this Act is brought for hearing and determination before any police magistrate, no other magistrate shall sit or take part therein except for the purposes of making a remand or adjournment by reason of the absence of such police magistrate.

Depositions of witnesses.

74.—(1) The Magistrate shall cause the depositions of the witnesses examined before him to be written in a legible hand and on one side only of the sheet of paper on which they are written, and shall read the same over to the witnesses, who shall sign the same.

(2) Instead of proceeding as provided in subsection 1 a stenographer may, with the consent of the magistrate, be employed to take down the evidence or any part thereof in shorthand, and the stenographer before acting shall take oath that he will truly and faithfully report the evidence. 

Steno-
grapher
may be
employed.

(3) Where evidence is taken in shorthand it shall not be necessary that the same shall be read over to or be signed by the witness, but it shall be sufficient if the transcript is signed by the Magistrate and is accompanied by an affidavit of the stenographer that it is a true report of the evidence. 

When so
taken have
copies
verified.

75. Several charges of contravention of this Act committed by the same person on the same day may be included in one and the same information or complaint; provided that such information and complaint and the summons issued thereon contain the time and place of each contravention.

Including
several
charges in
one in-
formation.

76. The description of any offence under this Act in the words of this Act or in words of like effect, shall be sufficient in law; and any exception, exemption, proviso, excuse or qualification, whether it does or does not accompany the description of the offence in this Act, may be proved by the defendant, but need not be specified or negatived in the information; but, if it be so specified or negatived, no proof in relation to the matter so specified or negatived shall be required on the part of the informant or complainant.

Sufficient
description
of offence.

77. In describing offences respecting the sale or keeping for sale or other disposal of liquor, or the having, keeping, giving, purchasing, receiving or the consumption of liquor, in any information, summons, conviction, warrant or proceeding under this Act, it shall be sufficient to state the sale, or keeping for sale or disposal, having, keeping, giving, purchasing, receiving or consumption of liquor simply, without stating the name or kind of such liquor, or the price thereof, or any person to whom it was sold or disposed of, or by whom it was taken or consumed, or from whom it was purchased or received, and it shall not be necessary to state the quantity of liquor so sold, kept for sale, disposed of, had, kept, given or consumed, except in the case of offences where the quantity is essential, and then it shall be sufficient to allege the sale or disposal of more or less than such quantity.

Particulars
to be
stated in
charge.

78.—Notwithstanding anything in this Act, at any time before judgment the magistrate or justice or justices may amend or alter any information and may substitute for the offence charged therein any other offence against the provisions of this Act; but, if it appears that the defendant

Powers as
to amend-
ment.

has been materially misled by such amendment, the said magistrate, justice or justices, shall thereupon adjourn the hearing of the case to some future day, unless the defendant waives such adjournment.

Compelling
attendance
of wit-
nesses.

79. In any prosecution under this Act the police magistrate, justice or justices of the peace, trying the case, may summon any person represented to him as a material witness, in relation thereto; and, if such person refuse or neglect to attend pursuant to such summons, the police magistrate, justice or justices of the peace may issue his warrant for the arrest of such person, and he shall thereupon be brought before the police magistrate, justice or justices of the peace, and, if he refuses to be sworn or to affirm, or to answer any question touching the case, he may be committed to the common gaol of the county or judicial district or to a lock-up, there to remain until he consents to be sworn or to affirm and to answer.

Production
of docu-
ments.

80. Any person summoned as a party to, or as a witness in, any proceeding under this Act may, by the summons, be required to produce at the time and place appointed for his attendance all books and any papers, accounts, deeds and other documents including a license, in his possession, custody or control relating to any matter connected with the said proceeding, and shall be liable to the same penalties for non-production of such books, papers or documents as he would incur by refusal or neglect to attend pursuant to such summons, or to be sworn or answer any question touching the case.

Proof of
license.

81. In any prosecution or proceeding under this Act, in which proof is required respecting the issue, transfer or cancellation of any license, a certificate under the hand of a member of the Board shall be *prima facie* proof of the existence, transfer or cancellation of such license, as the case may be, and, in case of issue or transfer, of the person to whom the same was granted or transferred; and the production of such certificate shall be sufficient *prima facie* evidence of the facts therein stated, and of the authority of the member of the Board, without any proof of his appointment or signature.

Prima facie
evidence of
sale.

82. Any house, shop, room or other place in which it is proved that there exists a beer pump, or any other appliance similar to those usually found in hotels and shops where liquors are accustomed to be sold or trafficked in, other than those of common use in private houses, ~~is~~ unless it be

shown that such articles so found are used for legitimate purposes shall be evidence that it is a place in which liquors are kept or had for the purpose of being sold, bartered or trafficked in, in contravention of this Act; and the occupant of such house, shop, room or other place shall be taken to be the person who has or keeps therein such liquors for sale, traffic or barter therein.

83. In proving the sale or disposal, giving, purchasing or receiving gratuitously or otherwise, or consumption of liquor, for the purpose of any proceeding relative to any offence under this Act, it shall not be necessary to show that any money actually passed, or any liquor was actually consumed, if the magistrate or justice or justices hearing the case is or are satisfied that a transaction in the nature of a sale or other disposal, giving, purchasing or receiving actually took place, or that any consumption of liquor was about to take place; and proof of consumption or intended consumption of liquor on premises on which such consumption is prohibited, by some person not authorized to consume liquor thereon, shall be evidence that such liquor was sold or given to the person consuming or being about to consume, or carry away the same, as against the occupant of the said premises.

Proof of consideration for illegal sale unnecessary.

84. The occupant of any house, shop, room or other place in which any sale, barter or traffic, having, keeping or giving liquor, or any matter, act or thing, in contravention of any of the provisions of this Act, has taken place, shall be personally liable to the penalty and punishments prescribed by this Act, notwithstanding such sale, barter or traffic, having, keeping or giving be made by some other person who cannot be proved to have so acted on, under or by, the directions of such occupant, and proof of the fact of such sale, barter or traffic, having, keeping or giving, or other act, matter or thing by any person in the employ of such occupant or who is suffered to be or remain in or upon the premises of such occupant, or to act in any way for such occupant, shall be *prima facie* evidence that such sale, barter, traffic, having, keeping or giving or other act, matter or thing took place with the authority and by the direction of such occupant.

Liability of occupant.

85. The burden of proving the right to have or keep or sell or give liquor shall be on the person accused of improperly or unlawfully having or keeping or selling or giving such liquor.

Burden of proof of right to sell.

86. In any prosecution under this Act in respect of any sale, purchase, disposal, giving, having, keeping or receiving of liquor, it shall not be necessary that any witness depose

Precise description of liquor unnecessary.

directly to the precise description of the liquor sold, purchased, disposed of, given, had, kept or received, or the precise consideration, if any, therefor.

Onus of
proof of
license.

87. In any prosecution under this Act whenever it appears that the defendant has done any act or been guilty of any omission in respect of which, were he not duly licensed, he would be liable to some penalty under this Act, it shall be incumbent upon the defendant to prove that he is duly licensed and that he did the said act lawfully.

Proof of
possession
prima facie
evidence
of offence.

88. If, in the prosecution of any person charged with committing an offence against any of the provisions of this Act in the selling or keeping for sale or giving or keeping or having or purchasing or receiving of liquor, *prima facie* proof is given that such person had in his possession or charge or control any liquor in respect of, or concerning which, he is being prosecuted then unless such person prove that he did not commit the offence with which he is so charged he may be convicted accordingly.

Signs and
fittings
prima facie
evidence.

89. The fact of any person who is not the holder of a license under this Act keeping up any sign, writing, printing or other mark, in or near to his house or premises, or having such house fitted up with a bar or other place containing bottles or casks displayed so as to induce a reasonable belief that such house or premises is or are licensed for the sale of any liquor or that liquor is sold or served therein, or that there is on such premises more liquor than is reasonably required for the persons residing therein, shall be deemed *prima facie* evidence of the unlawful sale and keeping for sale and having and keeping of liquor by such person.

Certificate
of govern-
ment
analyst
as evidence.

90. In any prosecution under this Act the production by the inspector or any officer of the Crown or by any other person concerned in such prosecution of a certificate signed or purporting to be signed by the Government analyst as to the analysis of any liquor and of an affidavit attesting the signature of such analyst, shall be conclusive evidence of the facts stated in such certificate.

Inspector's
expenses to
be allowed
for attend-
ing court.

91.—(1) In any prosecution under this Act, if the inspector attends the court as prosecutor or witness and travels to attend such court a distance of more than three miles from his place of residence, the magistrate trying the case may tax against the defendant, in case of conviction, as

costs in the cause to cover railway fare or hire of conveyance of the inspector in attending the said prosecution,

- (a) if the inspector travels by railway or stage the fares actually required to be paid by him; Railway or stage fare.
- (b) if by a hired conveyance, the sums actually required to be paid for a horse, conveyance and tolls; Hired conveyance.
- (c) if in his own conveyance, ten cents per mile one way; His own conveyance.
- (d) to cover all other expenses \$1 per day; and Other expenses.
- (e) in cases of adjournment at the instance of the defendant, similar additional allowances, where the inspector is actually in attendance. Adjournments.

(2) The mileage or other expenses shall be verified by the affidavit of the inspector. Verification.

(3) The inspector shall make quarterly returns in detail under oath to the Board of all sums received by him for mileage, and other expenses, in this section provided for. Inspector to make quarterly returns.

APPEALS.

92.—(1) In any prosecution for any offence against any provision of this Act for which any penalty or punishment is prescribed, a conviction or order of the magistrate, except as hereinafter mentioned, shall be final and conclusive. Conviction of Justice final except as otherwise provided.

(2) Subject to the provisions of the following subsections an appeal shall lie to the Judge of the county or district court of the county or district in which the conviction is made, sitting in Chambers without a jury, in all cases where the person convicted is *either a druggist* or a licensee or the conviction is for any offence committed on or with respect to premises licensed under this Act, if a notice of such appeal is given to the prosecutor or complainant within five days after the date of the conviction. Procedure on appeals.

(3) The person convicted, in case he is in custody, shall either remain in custody until the hearing of such appeal before the Judge, or, where the penalty of imprisonment with or without hard labour is adjudged, shall enter into a recognizance of two sufficient sureties, in the sum of \$200 each, before the convicting magistrate, conditioned person- Appellant to enter in to a recognizance

ally to appear before the Judge, and to try such appeal and abide by his judgment thereupon, and to pay such costs as he may order; and if the appeal is against a conviction whereby only a penalty or sum of money is adjudged to be paid, the appellant may, although the order directs imprisonment in default of payment, instead of remaining in custody as aforesaid, enter into such recognizance, or may deposit, with the magistrate convicting the amount of the penalty and costs, and a further sum of \$25 to answer the respondent's costs of appeal.

or deposit
amount of
penalty and
costs.

Justices to
transmit
deposition to
Clerk of
County
Court.

(4) Upon the recognizance being entered into or deposit made, the magistrate shall liberate such person if in custody and shall forthwith deliver or transmit by registered post, the depositions and papers in the case, with the recognizance or deposit, as the case may be, to the clerk of the county or district court of the county or district wherein such conviction was had.

Clerk's fees.

(5) The appellant shall pay to the clerk of the court, for his attendance and services in connection with such appeal, the sum of \$1, and the same may be taxed as costs in the cause.

Appeals in
dismissed
cases.

(6) An appeal shall lie to the Judge of the county or district court of the county or district in which an order of dismissal is made, sitting in Chambers without a jury, where the Attorney-General of Ontario so directs in all cases in which an order has been made by a magistrate dismissing an information or complaint laid by an inspector or by any one on his behalf for contravention of any of the provisions of this Act if notice of such appeal is given to the defendant or his solicitor within fifteen days after the date of such order of dismissal.

Summons
to show
cause.

(7) Within ten days after service of the notice of appeal the Judge shall grant a summons calling upon the defendant and the magistrate making the order to show cause why the order of dismissal should not be reversed and the case reheard.

Order of
Judge on
return of
summons.

(8) Upon the return of the summons the Judge, upon hearing the parties, may either affirm or quash the order, or if he thinks fit may hear the evidence of such other witnesses as may be produced before him, or the further evidence of any witnesses already examined, and may make an order affirming the order of dismissal, or may reverse such order

and convict the defendant and may impose such fine and costs or other penalty as is provided by this Act, and the order so made shall have the same effect and shall be enforced in the same manner as is provided in the case of a conviction before a magistrate under this Act.

(9) The practice and procedure upon such appeals, and all the proceedings thereon, shall thenceforth be governed by *The Ontario Summary Convictions Act*, so far as the same is not inconsistent with this Act. Rev. Stat. c. 90 to apply.

93. On an appeal from a conviction or order, to the County or District Judge under this Act, where costs are directed to be paid by either party, no greater costs shall be taxable by or against either party as between party and party than the sum of \$10, and the actual and necessary disbursements in procuring the attendance of witnesses and the fees to which the clerk of the peace is lawfully entitled; and the fees chargeable by the clerk of the peace upon any such appeal shall not exceed the sum of \$2. Costs on appeal from conviction.

94.—(1) An appeal by the inspector, or other prosecutor, shall lie to a Divisional Court of the Appellate Division of the Supreme Court of Ontario from the decision, judgment, or order of any Judge of a county or district court upon an appeal from any conviction or order made in a case arising out of or under this Act in which a conviction or order has been quashed, or set aside, upon the ground, directly or indirectly, of the invalidity of any Act of this Legislature, or of any part thereof, or from the decision, judgment or order of the Judge of a county or district court in any other case arising out of or under this Act in which the Attorney-General of Ontario certifies that he is of opinion that the matters in dispute are of sufficient importance to justify an appeal. Appeal to Divisional Court.

(2) Such appeal shall be had upon notice thereof to be given to the opposite party of the intention to appeal within eight days, or where the certificate of the Attorney-General is necessary, and is obtained, within fifteen days after such judgment, decision or order has been made. Notice.

(3) The clerk of the county or district court shall certify the judgment, conviction, orders and all other proceedings, to the proper officer of the Supreme Court, at Toronto, for use upon the appeal. Transmitting papers.

Hearing
appeal.

(4) The Divisional Court shall thereupon hear and determine the appeal, and shall make such order for carrying into effect the judgment of the court as the court shall think fit.

Appeal in
certain
cases to
Divisional
Court.

95.—(1) An appeal to the Appellate Division of the Supreme Court shall lie from any judgment or decision of a Judge of the Supreme Court, upon any application to quash a conviction made under this Act, or to discharge a prisoner who is held in custody under any such conviction, whether such conviction is quashed or the prisoner discharged, or the application is refused; but no such appeal shall lie, unless the Attorney-General of Ontario certifies that he is of opinion that the point in dispute is of sufficient importance to justify the case being appealed.

Certifying
proceedings
to Appellate
Division.

(2) Upon such certificate being produced to one of the Registrars of the High Court Division, he shall certify under the seal of the Supreme Court the proceedings returned to or had before or in the said Court, to the Registrar of the Appellate Division, and a Divisional Court shall thereupon hear and determine the appeal, without any formal pleadings, and shall make such order for carrying into effect the judgment of the said Court as the circumstances of the case may require.

CASES OF SEVERAL CONVICTIONS.

Procedure
where
previous
convictions
charged.

96. The proceedings upon any information for an offence against any of the provisions of this Act in a case where a previous conviction or convictions are charged, shall be as follows:—

- (a) The magistrate, justice or justices of the peace shall in the first instance inquire concerning such subsequent offence only, and if the accused be found guilty thereof he shall then be asked whether he was so previously convicted as alleged in the information and, if he answers that he was so previously convicted, he shall be sentenced accordingly; but, if he denies that he was so previously convicted or does not answer such question, the judge, magistrate or justice shall then inquire concerning such previous conviction or convictions.

(b) Such previous convictions may be proved *prima facie* by the production of a certificate purporting to be under the hand of the convicting magistrate, justice or justices of the peace, or clerk of the peace to whose office the conviction has been returned, without proof of signature or official character.

(c) In the event of any conviction for any second or subsequent offence becoming void or defective after the making thereof by reason of any previous conviction being set aside, quashed or otherwise rendered void, the magistrate, justice or justices of the peace by whom such second or subsequent conviction was made shall summon the person convicted to appear at a time and place to be named therein and shall thereupon, upon proof of the due service of such summons if such person fails to appear, or on his appearance, amend such second or subsequent conviction and adjudge such penalty or punishment as might have been adjudged had such previous conviction never existed; and such amended conviction shall thereupon be held valid to all intents and purposes as if it had been made in the first instance.

(d) In case any person, who has been convicted of a contravention of any provision of any of the sections of this Act mentioned in section 58 hereof, is afterwards convicted of an offence against any provision of any of the said sections, such conviction shall be deemed a conviction for a second offence within the meaning of the said section and shall be dealt with and punished accordingly, although the two convictions may have been under different sections.

97.—(1) Whenever a prosecution is brought against any person under this Act for an offence of which he has been previously convicted and for which a different or greater penalty is imposed in the case of a second or any subsequent offence, the inspector shall prosecute as for a second or subsequent offence according to the fact. Duty of inspector as to second offences.

(2) Any inspector who knowingly or wilfully contravenes the provisions of this section shall incur a penalty of not less than \$20 nor more than \$50. Penalty.

98. One conviction for several offences, in which a separate penalty is provided for each, may be made under this Act where the offences may have been committed on the same One conviction for several offences.

day; but the increased penalty or punishment hereinbefore imposed shall only be incurred or awarded in the case of offences committed on different days and after conviction had for a first offence.

Effect of
second con-
viction.

99. When not otherwise provided, a second conviction of a licensed person under this Act, for any violation or contravention of any of the provisions of this Act, shall *ipso facto* operate as a forfeiture of his license and disqualify the person convicted from obtaining a license for three years thereafter.

COSTS.

Power
to make
order as to
costs.

100. In every case where a penalty is authorized by this Act to be inflicted, the magistrate, justice or justices of the peace shall have the power to order costs to be paid in addition to the amount of the penalty, and such costs when so ordered shall be considered part of the penalty.

CONVICTIONS AND SUBSEQUENT PROCEEDINGS.

Variances
between
information
and convic-
tion, etc.

101. No conviction or warrant for enforcing the same or any other process or proceeding under this Act shall be held insufficient or invalid by reason of any variance between the information and the conviction or by reason of the punishment imposed or the conviction or order made being in excess of that which might lawfully have been imposed or made or by reason of any other defect in form or substance, provided it can be understood from such conviction, warrant, process or proceeding that the same was made for an offence against some provision of this Act within the jurisdiction of the magistrate, justice or justices of the peace or other officer who made or signed the same, and provided there be evidence to prove some offence under this Act, and where necessary, every such conviction, warrant or other process or proceeding may be amended in such manner as justice may require.

Informali-
ties not to
invalidate
conviction.

102. Upon any application to quash or set aside any such conviction or order, or the warrant for enforcing the same, or other process or proceeding, whether in appeal or upon *habeas corpus*, or by way of *certiorari* or otherwise, the court or judge to which or to whom such appeal is made, or to which or to whom such application has been made upon *habeas corpus* or by way of *certiorari* or otherwise, shall dispose of such appeal or application upon the merits, notwithstanding any such variance, excess of jurisdiction or defect as aforesaid; and in all cases where it appears that the merits

have been tried, and that the conviction, warrant, process or proceeding is sufficient and valid under this section or otherwise, and there is evidence to support the same, such conviction, warrant, process or proceeding shall be affirmed, or shall not be quashed (as the case may be); and such court or judge may in any case amend the same if necessary; and any conviction, warrant, process, or proceeding so affirmed, or affirmed and amended, shall be enforced in the same manner as convictions affirmed on appeal, and the costs thereof shall be recoverable as if originally awarded.

103. Whenever a licensee is convicted of any offence against the provisions of this Act a record thereof shall be indorsed on the license of the person convicted, and the following provisions shall immediately have effect, that is to say:—

Record of conviction on license.

- (a) the magistrate, justice or justices before whom any licensed person is accused shall require such person to produce and deliver to him the license under which such person carries on business, and the summons shall state that such production will be required.

104. Where the conviction of any licensee has the effect of causing the forfeiture of the license or of disqualifying any person for the purposes of this Act, the license shall be produced to the magistrate hearing the case for the purpose of cancellation.

Production of license for cancellation.

105. The magistrate, justice or justices of the peace, on any conviction of any person for an offence against this Act, shall send forthwith to the Board a certificate of such conviction, for which certificate he shall be allowed a fee of fifty cents to be taxed as costs in the cause.

Certificate of conviction.

106. Every corporation incorporated by or under an Act of this Legislature, and every corporation incorporated otherwise than by or under an Act of this Legislature, which transacts any business within the Province, shall be deemed to be and shall be in all respects subject to the provisions of this Act, and every such corporation shall, as to any Act, matter or thing done in Ontario, in, about, concerning and touching or relating to liquor, be deemed to be and shall be within the jurisdiction of the courts of this Province and of every judge, magistrate, justice or justices of the peace within the Province.

Application of Act to corporations.

Service on
corporations,

107. In all prosecutions, actions or proceedings under the provisions of this Act against a corporation, every summons, warrant, order, writ or other proceeding may, in addition to any other manner of service which may be provided or authorized by law, be served on such corporation by delivering the same to any officer, attorney or agent of the said corporation, or by leaving it at any place where it carries on any business; provided that service in any other way shall be deemed sufficient if the court, judge, magistrate, justice or justices of the peace by or before whom such summons, warrant, order, writ or other proceeding was issued or is returnable, or by or before whom any proceeding subsequent to such service is to be had or taken, shall be of the opinion that the service has been such as to bring the summons, warrant, order, writ or other proceeding to the notice of such corporation.

Recovery of
penalties
from corporation by
distress.

108.—(1) Whenever any corporation is convicted of any offence against or under this Act and the conviction adjudges a pecuniary penalty or compensation to be paid by such corporation, or an order under this Act requires the payment of a sum of money by a corporation, the court, judge, magistrate, justice or justices of the peace, by his or their conviction or order, after adjudging payment of such penalty, compensation or sum of money with costs may order and adjudge that, in default of payment of such penalty, compensation or sum of money forthwith or within a limited time, such penalty, compensation or sum of money shall be levied by distress and sale of the goods and chattels of such corporation.

Enforcing
judgment
against corporation.

(2) In any such case, and in addition to the other remedies provided hereby, a copy of such conviction or order certified to by any judge, magistrate, justice or justices of the peace, or by the officer in whose custody the same is by law required to be kept, may be filed in the proper county or district court, and such conviction or order shall thereupon become a judgment of said court and all proceedings may be thereupon taken and had as on any other judgment of said court.

Cancellation
of license
of corporation.

(3) In the case of the conviction of or an order against a corporation, which by the law of Ontario is required to obtain a license to carry on its business in Ontario and has obtained such license, if the penalty, compensation or sum of money be not paid according to the terms of the conviction or order, the Lieutenant-Governor in Council may, in case of such default in payment of penalty, compensation or sum of money as aforesaid, cancel and revoke the license so issued to such corporation.

(4) Provided always that nothing in this section contained shall be construed as in any way affecting, limiting or restricting any proceedings which otherwise can or may be taken or had for the infliction of punishment by penalty or imprisonment or the modes of enforcement or recovery of fines or penalties.

109. Notwithstanding anything in this Act where a pecuniary penalty is imposed, the magistrate may in his discretion order that in default of payment of the penalty distress shall issue for the recovery thereof or he may if he sees fit order that in default of immediate payment of the penalty the offender shall be committed to gaol for such period as may be allowed by law.

Power to
issue dis-
tress on
non-pay-
ment of
penalty.

110.—(1) The penalties in money imposed under this Act or any portion of them that may be recovered except as provided in the next subsection shall be paid to the convicting Magistrate in the case, and shall by him or them be paid to the Inspector of the county or district in which the offence was committed, to be by him remitted to the License Branch in accordance with the regulations of the Department and shall form part of the consolidated revenue of the Province.

Payment
over and
application
of penalties.

(2) Where an officer appointed under section 118 is the prosecutor or complainant, then the same shall be paid to the treasurer of the municipality wherein the offence was committed.

111.—(1) Where an Inspector or any officer appointed by the Crown has prosecuted and obtained a conviction and has been unable to recover the amount of costs, the same shall be made good out of the appropriation of the Legislature for the enforcement of the "Ontario Temperance Act."

When costs
cannot be
recovered.

(2) Where an Inspector or officer appointed by the Crown has prosecuted and failed to obtain a conviction he shall be indemnified against all costs out of the appropriation of the Legislature for the enforcement of the "Ontario Temperance Act."

Indemnifica-
tion of
officers
against
costs.

(3) The forms in Schedule "F" or any forms to the like effect shall be sufficient in the cases thereby respectively provided for, and where no forms are prescribed, new ones may be framed to meet the circumstances of the case, conforming as nearly as may be to those employed in proceedings under *The Ontario Summary Convictions Act*, such forms being made short and concise in the mode indicated by the forms in Schedule "F."

Forms
for use on
prosecutions.

Rev. Stat.
c. 90.

REMISSION OF PENALTIES.

112. No magistrate, justice of the peace or municipal council shall have any power or authority to remit, suspend or compromise any penalty or punishment inflicted under this Act.

No remis-
sion by
magistrates.
etc.

Register of
licenses.

113. Every inspector shall keep

- (a) a register to be called "The register of licenses," containing the particulars of all licenses granted in his district, the premises in respect to which they are granted, the names of the licensees and the names of the sureties to any bond given by any such licensee in pursuance of the provisions of this Act; and he shall also enter on the register all forfeitures of licenses, disqualifications of licenses, records of convictions and other matters relating to the licenses then on the register; and

Record of
applications.

- (b) a record of all applications made under this Act showing the names of the applicants, the nature of the applications, the premises in respect of which the applications are made, the dates on which the applications were heard and the manner in which the same were disposed of, including in case of refusal the cause or causes thereof.

Annual re-
port of pro-
secutions
and con-
victions.

114. The local inspectors shall, immediately on the termination of every case and also on the thirty-first day of March, the thirtieth day of June, the thirtieth day of September and the thirty-first day of December in each year, report to the Board all prosecutions and convictions under this Act in their respective districts, whether instituted or obtained by them or by others to their knowledge, giving dates, names of parties, amounts of fines and names of magistrates before whom respectively the cases were tried.

LAW ENFORCEMENT.

Fund to be
used by
Minister in
enforcing
law.

115.—(1) Any money appropriated by the Legislature for the purpose of preventing the contravention of the provisions of this Act or of any regulation made thereunder, shall be known as the "Ontario Temperance Act Law Enforcement Fund," and payments from the said fund from time to time shall be made under the direction of the Minister to such officers and persons as he may think proper, to be expended in the enforcement of this Act, including the salaries and expenses of the members and officers of the Board and of such regulations or the detection of offences against this Act or any regulation.

Authority
for pay-
ments out.

(2) The certificate or order of the Minister that any sum of money is required to be paid out of the said fund shall be sufficient authority for the issue of a cheque by the Treasurer of Ontario for the amount named in such certificate or

order, and the officer or other person to whom such cheque is issued shall account to the Minister for the proper disbursement of the amount received by such officer or other person, - whose approval of same shall be final.

PROVINCIAL BOARD OF LICENSE COMMISSIONERS.

116.—(1) There shall be a Board of License Commissioners for Ontario, which shall be composed of three persons to be appointed by the Lieutenant-Governor in Council and one of whom shall be appointed as Chairman of the Board. Provincial Board of License Commissioners.

(2) The members of the Board shall hold office during pleasure. Tenure of office.

(3) Two of the members of the Board shall constitute a quorum and the act or decision of any two members present and acting together shall be binding and sufficient. Quorum.

(4) Each of the members of the Board before entering upon the duties of his office shall take and subscribe before the Minister or before some person appointed by him for that purpose the following oath,— Oath of office.

I, A. B., having been appointed a member of the Board of License Commissioners for Ontario, do swear,

That I will well and faithfully discharge the duties of that office as prescribed by law, without fear or favour, prejudice or partiality, so help me God.

(Signed), A. B.

(5) The Board shall have jurisdiction throughout the Province and subject to the provisions of this Act the Board may reconsider any matter which has been dealt with by it, and may rescind, alter or amend any decision, order or resolution previously made or passed by said Board. Jurisdiction, powers and duties.
Powers of Board as to reconsideration.





INSPECTORS AND OFFICERS OF BOARD.

117.—(1) The Lieutenant-Governor in Council may appoint— Appointments.

(a) Such provincial, district, county and city inspectors and provincial officers as may be deemed necessary, but not more than one Inspector shall be appointed for any county exclusive of any city therein; Inspectors.

(b) Such other officers, clerks and servants of the Board as may be deemed necessary. Office staff.

Inspectors
to be ex
officio
constables.

(2) Every such inspector shall  for the purposes of this Act  be *ex officio* a constable  for every county and district in Ontario  within the territory for which he is appointed, but he shall not receive to his own use, any costs beyond his actual disbursements in respect of any service performed by him as such constable.

Security by
officers.



(3) Every person appointed under this section shall furnish such security as the Treasurer of Ontario may require for the payment over of all sums of money received by him according to the provisions of this Act.


Rev. Stat.
c. 215.

Appoint-
ment of
officers by
councils to
enforce
provisions
of this Act.

118. The council of any municipality may by by-law appoint an officer whose duty it shall be to enforce the provisions of this Act within the municipality, and such council may by by-law provide for the payment of such officer or officers and for payment of any expenses incurred in such enforcement out of the general funds of the municipality, and every officer so appointed shall have within the municipality for which he is appointed all the powers possessed by a Provincial officer appointed under section 129 and all the provisions of this Act applicable to any such Provincial officer shall apply as to any officer appointed under this section and acting within the municipality for which he is appointed in the same manner and to the same extent as if such municipal officer were expressly mentioned in such provisions.

PURCHASE OF ALCOHOL BY MANUFACTURERS.

 **119.**—(1) Nothing in this Act shall prevent the purchase by manufacturers of vinegar, perfumes, pharmaceutical preparations, patent or proprietary medicines, essences and other products of recognized value, of alcohol or of native or foreign wines required and used in the manufacture of such products from such persons as are entitled to sell the same; provided, however, that any such manufacturer shall before purchasing alcohol or wines as aforesaid for any such purpose, obtain from the Board of License Commissioners a permit which such Board may issue authorizing such manufacturer to purchase such alcohol or wines during a specified period for the purpose and not exceeding the quantities mentioned in such permit, but no such alcohol or wine nor any part thereof so purchased shall be used for beverage purposes. 

 (2) Before any such permit is issued satisfactory evidence shall be furnished to the Board as to the character of the articles or commodities proposed to be manufactured in which alcohol or wines is or are required and such other

evidence as in the public interest the Board may deem desirable, and such permit may on notice to the holder thereof and after due investigation be cancelled for cause in the discretion of the Board. 🖱

🖱 (3) Any distiller or vendor in Ontario may, notwithstanding anything in this Act contained, sell and supply to any such manufacturer such alcohol or wines as he may require in the conduct of his business as aforesaid not being inconsistent with the terms of the permit issued to him as provided by subsection 1 of this section, a copy of which shall be filed with such distiller or vendor as the case may be. 🖱

🖱 (4) Every such manufacturer shall not later than the tenth day of every month furnish to the Board a sworn statement shewing the quantity of alcohol or wines purchased by such manufacturer during the calendar month immediately preceding and the persons, firms and companies from whom the same was purchased and the dates on which such purchases were made. 🖱

🖱 (5) Any person violating any provision of this section shall be guilty of an offence against this Act and shall be liable to the penalties provided by section 59 hereof. 🖱

🖱 **120.** Notwithstanding anything in this Act, any manufacturer on whose premises any alcohol or other liquor is found exceeding in quantity one gallon, unless it is shewn that the same has been purchased in pursuance of a permit issued under subsection 1 of the next preceding section, shall be conclusively deemed to be kept for sale in contravention of section 40 of this Act and the same may be forthwith seized and removed together with the vessel or package in which the same is contained 🖱







SALE OF LIQUOR BY DRUGGISTS, AND SALE OF PATENT AND OTHER MEDICINES, AND OF ALCOHOL FOR THE PURPOSES OF THE ARTS AND MANUFACTURES 🖱

🖱 **121.** In this and the following eleven sections of this Act, ^{Interpretation.} 🖱

- 🖱 (a) "Alcohol" shall mean "ethylic" or absolute "Alcohol." alcohol; 🖱
- 🖱 (b) "Manufacturer" shall mean a manufacturer for "Manufacturer." sale by wholesale; 🖱
- 🖱 (c) "Original and Unbroken Package" shall mean "Original and unbroken package." the package in which the patent or proprietary medicine is put up by the manufacturer; 🖱

"Wholesale
druggist."

 (d) "Wholesale Druggist" shall mean a person, firm or company engaged in supplying druggists with drugs, patent or proprietary medicines, compounds, preparations or other articles and commodities usually kept and dealt in by druggists; 

 (e) "Druggist" shall have the meaning assigned to it in section 2 (n) of this Act. 

Patent or
proprietary
medicines.

122. Nothing in this Act shall prevent the sale by a druggist or a merchant, or company dealing in drugs and medicines, or a merchant or company dealing in patent or proprietary medicines, of any such medicine in the original and unbroken package, if such medicine contains sufficient medication to prevent the same being used as a beverage.

Certain
tinctures,
medicines,
perfumes,
etc.

123. Nothing in this Act shall prevent the sale

(a) by a druggist or by the manufacturer, of

(i) any tincture, fluid extract, essence or medicated spirit containing alcohol prepared according to a formula of the British Pharmacopœia or other recognized standard work on pharmacy, or

(ii) medicine or other similar officinal or pharmaceutical compound or preparation, or

(iii) a perfume, or

(iv) for purely medicinal purposes, any mixture so prepared containing alcohol and other drugs or medicine; nor



(b) by a merchant who deals in drugs and medicines, of such compounds, mixtures and preparations as are in this section hereinbefore mentioned and are so made or put up by a druggist or manufacturer,

by reason only that the same contain alcohol, but this shall only apply to any such compound, mixture and preparation as contains sufficient medication to prevent its use as an alcoholic beverage.

Colourable
sales.

124.—(1) Where the magistrate before whom a complaint is heard finds that any patent or proprietary medicine mentioned or referred to in section 122 or any other medicine, preparation or mixture mentioned or referred to

in section 123, has been put up, manufactured or sold as a colourable device for the evasion of the provisions of this Act, the offender shall incur the penalties imposed by this Act as in the case of sale of liquor without the license required by law.

(2) It shall not be necessary in the information, summons, warrant, conviction, distress warrant, commitment or other process or proceeding, except the finding or judgment, to set out that such patent or other medicine, preparation or mixture was put up, manufactured or sold as a colourable device for the evasion of this Act, but it shall be sufficient if the complaint and all other necessary statements of the offence allege or refer to the sale of liquor  in contravention of this Act. 



Charging
the offence.

125.—(1) A druggist or other person who keeps patent or proprietary medicines for sale shall, upon request made by the Inspector or other person authorized by the Board, permit such Inspector or other person to take away a sample sufficient for the purpose of analysis of any patent or proprietary medicine kept by him for sale.

Analysis
of patent
medicines
kept by
druggists.

(2) Any person who refuses to comply with such a request shall incur a penalty of not less than \$10 nor more than \$40.

Penalty.

 **126.**—(1) Nothing in this Act shall prevent a druggist from keeping liquor for sale for strictly medicinal purposes, or from selling liquor for strictly medicinal purposes in packages of not more than six ounces at any one time, or from selling for strictly medicinal purposes any mixture containing liquors mixed with any other drug or medicine in packages of not more than one pint at any one time, or from selling alcohol not exceeding one pint for bathing a patient or for other necessary purposes, but in every such case only under a *bona fide* prescription of such alcohol, liquor or mixture duly signed by a legally qualified medical practitioner, nor shall anything in this Act prevent a druggist selling to a dentist personally who is a duly registered member of the Royal College of Dental Surgeons of Ontario, of liquor for use in his profession only, but not in a greater quantity than six ounces at one time, and to a veterinary surgeon qualified as provided by *The Veterinary Surgeons Act*, and who is lawfully and regularly engaged in the practice of his profession, for use in his profession only, but not in a greater quantity than one quart at any one time; provided that in either case such sale shall be recorded as provided by this Act. 

Sale of
liquor by
druggists.

Sales to
dentist and
veterinary
authorized
under retail
license.

Rev. Stat.
c. 171.

Record of
sales.

(2) Every druggist shall record in a book to be kept for that purpose every sale or other disposal by him of alcohol or other liquor when sold by itself or forming the principal ingredient in such prescription; and such record shall show as to every such sale or disposal, the time when, and the person to whom the same was made, the quantity sold and the prescription, when one is required, of such medical practitioner; and in default of such sale or disposal being so placed on record, every such sale shall be held to be in contravention of the provisions of section 40 of this Act.

Book open to
inspection by
commission-
ers, Inspec-
tors and
other
officials.

(3) Such book shall be kept open to the inspection of the License Commissioners, Inspector, Provincial Inspector, or any other person appointed by the Board, and producing his written authority in that behalf, and may be in the following form:

Date	Name	Residence	Kind and quantity	Purpose or use	Price	Name of medical practitioner.

When
druggist
may him-
self give
medical
prescrip-
tion.

(4) In a township a druggist who is also a legally qualified medical practitioner may himself give the prescription provided for this section, and may also give such prescription in any village or police village where there is no other legally qualified medical practitioner resident and practising therein, but not otherwise.


Selling
liquor with
other bev-
erages.



(5) Any druggist who sells or otherwise disposes of any liquor to be consumed within his shop, or within the building of which such shop forms part or which communicates by any entrance therewith, either by the purchaser or by any other person not usually resident therein, as a beverage, or with soda water, seltzer, apollinaris, ginger ale, ginger beer, sarsaparilla, or any aerated, mineral or effervescent drink, shall incur the penalties imposed by section 59 of this Act.

(6) Nothing in this Act shall prevent a druggist from selling wine for sacramental purposes to a minister of the gospel upon his written request, which may be in the form of Schedule "E."



Drugs mixed
with alcohol.



127. Nothing in this Act shall apply to or prevent the sale by a druggist of any drug or medicine for strictly medicinal purposes, notwithstanding the mixture with such drug

or medicine of alcohol as one of the necessary and *bona fide* ingredients thereof, if the quantity of alcohol so sold at any one time does not exceed six ounces. 

 **128.**—(1) Nothing in this Act shall prevent a druggist from selling, without the certificate of a legally qualified medical practitioner, liquor in quantities of not more than six ounces at any one time when the same is required owing to a serious injury or to the fainting of a person who may be brought or shall come into the premises of the druggist or into contiguous premises, or in or upon premises adjacent to them, and the same is urgently required for the relief of such person. 



Sale of liquor by druggists in case of accidents, etc.

 (2) Exclusive of ethylic alcohol and sacramental wine, no druggist shall have in his possession at any one time more than ten gallons of liquor. 

 **129.** If a druggist is charged with a contravention of any of the provisions of section 123 of this Act, but proves that he sold the compound, mixture or preparation in question in the same state as when he purchased it and that he could not with reasonable diligence have obtained knowledge of the fact that the provisions of that section had not been complied with he shall not be found guilty; but the magistrate hearing the case may order that such compound, mixture or preparation found in the possession of such person be forfeited to the Crown; and the Minister may make such disposition of it as he may think fit. 

How druggist may exculpate himself.

Forfeiture of the article.

 **130.** Any druggist who keeps for sale or who sells or barter any liquor in contravention of this or any other Act shall for the first offence on conviction thereof incur the penalties imposed by section 59 for selling, and for a second or any subsequent offence shall on conviction thereof incur the penalty imposed by said section as for a second offence for selling; and in addition thereto his certificate authorizing him to carry on the business of a "chemist and druggist" in Ontario shall *ipso facto* be void and be of no force or effect whatever for a period of two years from the date of his conviction, a copy of which shall forthwith be sent to the Registrar of the Ontario College of Pharmacy, or until the Council of such College shall see fit in its discretion after the expiration of such period of two years to reinstate such druggist, who shall not in the meantime be eligible as a member, director or shareholder of any incorporated company dealing in drugs or medicine in Ontario. 

Penalty for sale by druggist without license.

Sworn statement as to amount of liquor purchased. **131.**—(1) Every druggist shall within seven days after demand by the Board supply the Board with a written statement verified by affidavit of the amount and kind of liquor purchased by him during the period specified in such demand, the dates when and the persons from whom such liquor was purchased.

Penalty. (2) Any person who makes default in supplying such statement shall incur a penalty of \$20 for each day during which such default continues.

Sales by wholesale druggists. **132.** A wholesale druggist may, notwithstanding anything in this Act, sell to a druggist "ethylic" or absolute alcohol for use in his business as such druggist; but this provision shall only apply to wholesale druggists who have filed with the License Branch at Toronto a certificate, which shall be annually renewed not later than the 1st day of May in each year, signed by the Registrar of the Ontario College of Pharmacy, that the holder of such certificate is a wholesale druggist within the meaning of this Act.

MUNICIPALITIES UNDER THE CANADA TEMPERANCE ACT.

Municipal councils may aid in enforcing the Canada Temperance Act. **133.** The council of any county or city in which the second part of *The Canada Temperance Act* is in force, may, from time to time, set apart any sum or sums of money for the purpose of paying any officer or officers, person or persons, for enforcing, or assisting to enforce *The Canada Temperance Act* within their respective jurisdictions, and for the payment of any costs or expenses incurred in and about enforcing, or attempting to enforce the same; and such councils are hereby authorized and empowered to appoint one or more officers or persons to enforce, or assist in enforcing, the provisions of that Act, and to pass by-laws for the government and control of such officers or persons, and defining their duties and mode and amount of payment.

Expenses of enforcing this Act in municipalities under the Temperance Acts. **134.**—(1) Where the second part of *The Canada Temperance Act* is in force the expenses of carrying the same into effect, except as is hereinafter provided, shall be borne and paid by the county or city within which the same is in force.

R.S.C. c. 152.

How and when payable.

(2) The expenses payable under this section by a county or city shall be paid by it into such bank as the Minister may direct to the credit of *The Canada Temperance Act Fund*, and shall become due and payable within one month after an estimate of the amount of the expenses for the current license year has been made by the Board, and approved by the

Minister (which approval shall be final and conclusive) and after a copy or duplicate of such estimate and approval, together with a notice in writing by the Board, requesting payment of the amount payable by the municipality has been served upon the clerk of the county or city, on such days and times as by the said request or notice are named for that purpose; and in case any estimate proves insufficient for the payment of the expenses of the license year any deficiency may be provided for in the estimate for the succeeding year; and in case any sums remain unexpended in any year, the same may be applied on account of the expenses of the succeeding year.

(3) Payment may be enforced against any county or city by the Board by action or proceedings in the name and by the title of "The Board of License Commissioners for Ontario," and it shall not be necessary to mention or include the names of the License Commissioners in the proceedings; and the action or proceedings may be carried on in the name of such Board as fully and effectually as though such Board were incorporated under such name or title; and in the event of the death or resignation of any of the License Commissioners, or of the appointment of other License Commissioners, the action or proceedings shall not cease, abate or determine, but shall proceed as though no change had been made in the Board or License Commissioners, and, in the event of the Board being condemned in costs, the same may be payable out of the *Canada Temperance Act Fund* for the county or city, as the case may be.

135.—(1) In case the fines and penalties imposed and collected under and by virtue of *The Canada Temperance Act* are insufficient to meet the expenses incurred in the enforcement of that Act the Treasurer of Ontario may pay into the License Fund out of the Consolidated Revenue Fund a sum not exceeding one-half the amount which the municipality is required to pay for or on account of such expenses over and above the fines and penalties so collected.

(2) The treasurer of the county or city to which the fines are payable shall keep a separate account of the fines received and also of the amount paid or contributed by the municipality towards the expenses of enforcing the Act, and the Province shall not be called upon to pay any proportion of the expenses so long as there is a balance at the credit of the said account.

(3) The separate account mentioned in the next preceding subsection shall be subject to audit by an officer of the License Branch; such audit may take place at the office of

the treasurer of such county or city and the certificate of such officer when approved by the Minister shall be sufficient evidence of the correctness of such separate account.



County not
to include
district.



(4) The word "county" when used in this section and in section 132 shall not include a provisional judicial district.



Payment of
appropriation for en-
forcement
of C. T. Act.



136. Whenever an appropriation is made by the Legislature for enforcing *The Canada Temperance Act*, the Minister may by his order direct the payment out of such appropriation of any sum or sums which he may find necessary from time to time for the enforcement of the said Act in a provisional judicial district during the time that Act is in force in such district.



137. While this Act is intended to prohibit and shall prohibit transactions in liquor which take place wholly within the Province of Ontario, except under license or as otherwise specially provided by this Act, and to restrict the consumption of liquor within the limits of the Province of Ontario, it shall not affect and is not intended to affect *bona fide* transactions in liquor between a person in the Province of Ontario and a person in another Province or in a foreign country, and the provisions of this Act shall be construed accordingly.



 **138.** Nothing contained in this Act shall be construed to interfere with the operation of *The Canada Temperance Act* or any other Act of the Parliament of Canada applicable to the Province of Ontario or any part thereof. 



 **139.** Notwithstanding anything contained in *The Liquor License Act* the Board may by resolution provide for extending the duration of any existing tavern, shop or club license from the first day of May, 1916, until the date on which this Act shall come into force upon the payment of , but this shall not apply to any license granted and now in force in respect of premises situate in any municipality in which a local option by-law has been adopted and which will in pursuance of the Statute in that behalf come into force on the first day of May, 1916. 



 **140.** Section 39 of *The Liquor License Act* is repealed, such repeal to take effect on the first day of May, 1916, but this shall not affect the payment over or collection of any moneys due to the Province under the said section up to and inclusive of the 30th day of April, being the end of the current license year. 



 **141.** Brewers' and distillers' provincial licenses, brewers' warehouse licenses and wholesale licenses issued under *The Liquor License Act* and in force on the 30th day of April, 1916, being the end of the current license year, may be extended from the date last mentioned until the date on which the repeal of *The Liquor License Act* aforesaid is to take effect, in pursuance of section 148 of this Act, but such extension shall be subject to the payment of 



 **142.** The fee to be paid annually for a vendor's license issued under this Act shall be as follows and in any case in which a license is issued for part of the year a proportionate part of such fee shall be paid. 



 **143.** Every lease of premises for or in respect of which a tavern or shop license under *The Liquor License Act* is in force at the passing of this Act, shall with the written approval of the Board be terminable by the lessor or lessee giving three months' notice of his intention to cancel such lease. 



 **144.**—(1) From and after the date on which *The Ontario Temperance Act* comes into force the Board of License Commissioners for Ontario may license one or more hotels in every municipality for the accommodation of the travelling public and other guests. 

 (2) The Board may by resolution define the conditions, accommodation and qualifications requisite for obtaining such license and regulate the hotels so licensed. 

 (3) The hotels so licensed shall be known as Standard Hotels. 

 (4) The annual fee to be paid for such license shall be \$1.00. 

 (5) The keeper of a Standard Hotel shall be entitled to sell all non-intoxicating drinks and beverages, cigars, cigarettes and tobacco, without further or other license. 

 (6) The keeper of any hotel, inn or house of public entertainment not so licensed as aforesaid shall not sell or traffic in any of the articles mentioned in the preceding section, and any such keeper who violates this section shall be guilty of an offence under this Act and shall on conviction be liable to a penalty not exceeding \$ and costs. 

☞ (7) The Board may cancel any such license at any time for such reason as to the Board may seem sufficient. ☞

☞ (8) The council of any municipality may by law grant any such Standard Hotel total or partial exemption from municipal taxation except school and local improvement taxes. ☞


☞ **145.**—(1) On the first Monday in the month of June, 1919, there shall be submitted to the vote of the electors of the Province of Ontario qualified to vote at the election of members to the Legislative Assembly the question: ☞



☞ “Are you in favour of the repeal of *The Ontario Temperance Act*.” ☞



☞ (2) The date of the voting upon the said question shall be fixed by the Lieutenant-Governor in Council by proclamation and the proceedings for taking the said vote including the preparation of voters and polling lists, the registration of manhood suffrage voters, the appointment of returning officers, poll clerks and constables, and of agents to represent those interested in maintaining the affirmative and the negative of the said question, and the duties and responsibilities of officers shall be the same as nearly as may be as the elections to the Legislative Assembly; and all the provisions relating to offences and penalties, corrupt practices and the punishment thereof, and the conduct of prosecutions provided by *The Ontario Election Act* shall *mutatis mutandis* and as far as the same are applicable apply to the taking of the said vote. ☞



☞ (3) The returning officer appointed for each electoral district shall make his return to the Clerk of the Crown in Chancery and upon the receipt of the last of such returns the Clerk of the Crown in Chancery shall make his return to the Lieutenant-Governor in Council and shall give notice thereof in *THE ONTARIO GAZETTE*, showing the total number of votes polled in the Province for the affirmative and negative of the said question. ☞

☞ (4) If the said return shall show that a majority of the electors voting thereon voted in favour of the affirmative, this Act shall be repealed and such repeal shall take effect at the expiration of a period of _____ months thereafter or at such earlier date as may be fixed by the Lieutenant-Governor in Council by proclamation. ☞

 (5) Upon the expiration of the said period or upon the issue of the proclamation, *The Liquor License Act* as amended prior to the passing of this Act shall be revived and shall be in force in Ontario, and all by-laws and regulations made thereunder, including any by-laws and regulations passed under section 137 of the said Act or any provision for which the said section was substituted shall be in force and shall have effect until altered or repealed by lawful authority as if this Act had not been passed.



 **146.** Notwithstanding the provisions of *The Assessment Act* no distiller, brewer, maltster or holder of a tavern or shop license or a club in which spirituous or fermented liquors are furnished shall be liable for nor shall any municipal corporation levy or collect from any such person or club any taxes for the year 1916 in respect of business assessment. 

 **147.** This Act shall come into force at seven o'clock in the afternoon of Saturday, the 16th day of September, A.D. 1916, but the provisions of this Act with respect to applications for licenses and all matters connected therewith or appertaining thereto and with respect to the issue of such licenses may be resorted to, applied and followed at any time before the said date for the purpose of procuring the issue of licenses under this Act to take effect on and from the date of the coming into force of this Act. 

 **148.** *The Liquor License Act*, being Chapter 215, of the Revised Statutes of Ontario, 1914, and all amendments thereto are repealed, such repeal to take effect at the hour of seven o'clock in the afternoon of Saturday, the 16th day of September, 1916. 

SCHEDULE "A."

PROVINCE OF ONTARIO, 1916-17.

Vendors' License. (Sec. 33.) 

A.B.

is hereby authorized during the period commencing on the
 day of _____, 191____, and ending on the
 day of _____, 191____, subject to the provisions of *The
 Ontario Temperance Act*, to sell in his warehouse, situate at
 _____, alcohol and other liquors to such
 persons as are entitled to purchase the same under the provisions
 of said Act not exceeding the quantities therein mentioned.

Dated this _____ day of _____, 191____.

.....
Provincial Secretary.



Countersigned,

.....
*Chairman of the Board of License Commissioners
 for Ontario.*



SCHEDULE "B."

PROVINCE OF ONTARIO.

The Ontario Temperance Act. (Sec. 14.) 

To the Board of License Commissioners for Ontario.

I,
 hereby apply for the issue to me of a *Vendor's License* under *The
 Ontario Temperance Act* for the current license year. I carry on
 business at _____, and am the
 true owner thereof.

That I have not been convicted of selling liquor illegally and that
 I will faithfully observe the provisions of the law respecting the
 sale of liquor by *vendors* under the aforesaid Act.

Dated this _____ day of _____, 191____.

(Signed).....

FORM No. 1.

AFFIDAVIT OF APPLICANT FOR LICENSE.

Canada:
 Province of Ontario,
 County of _____
 To Wit:

I _____ of the _____ of _____,
 in the Province of Ontario,
 and say: _____, make oath

1. I am the applicant named in the within application for the issue to me of a License under the provisions of *The Ontario Temperance Act*.

2. The statements contained in the said application are true.

Sworn before me at
in the Province of Ontario
this day of
A.D. 191

FORM No. 2.

AFFIDAVIT OF RESIDENTS.

Canada:
Province of Ontario,
County of
To Wit:

We, of the of the
in the Province of Ontario, and of the
of in the Province of Ontario,
do severally make oath and say:

1. That we know the applicant
named in the within application.



2. The statements contained in the said application are true.

The above named
and were severally
sworn before me at
in the Province of Ontario,
this day of
A.D. 191

SCHEDULE "C."

Province of Ontario.

THE ONTARIO TEMPERANCE ACT.

 (Sec. 15.) 

Bond of  Vendor. 

Know all men by these presents that we,
of and
of and
of are held and firmly bound
unto His Majesty the King, his heirs and successors, as follows,
that is to say the said in the
sum of five hundred dollars of good and lawful money of Canada,
the said in the sum of two
hundred and fifty dollars of like good and lawful money, and the
said in the sum of two
hundred and fifty dollars of like good and lawful money, for pay-

ment of which well and truly to be made we bind ourselves and each of us, our heirs, executors and administrators firmly by these presents.

Sealed with our seals and dated this
day of

A.D. 191

Whereas the above bounden has
applied for and is about to obtain a *Vendor's License* authorizing
him during the period commencing on the
day of and ending
on the day of to sell
subject to the provisions of the said *The Ontario Temperance Act*
in the warehouse or store defined as follows: alcohol
and other liquor.

Now, therefore, the condition of this obligation is such that if
the said shall at all times during
the continuance of the said license well and faithfully keep and
observe all the regulations and requirements of the said *The Ontario
Temperance Act* in respect of the said *Vendor's License* so
to be issued to him, and shall not violate any of the provisions
of the said Act, and shall pay all fines and penalties which he may
be condemned to pay for any offence against any statute or other
provision having the force of law now or hereafter to be in force
relative to such *Vendor's License*, and do and perform and
observe all rules and regulations that are or may be established
by competent authority on such behalf, then this obligation shall
be void, otherwise it shall remain in full force, virtue and effect.

Signed, sealed and delivered
in the presence of

SCHEDULE "D."

Ontario:
To Wit:

I of the of
in the Province of Ontario, make oath and say:

That I reside at the of in the Province of
Ontario, and am engaged in (state occupation).

That of is required by me to be used
for purposes, and for no other purpose; that
such liquor is not intended to be used as a beverage or mixed with
any other liquor for use as a beverage nor to sell nor to give away.

That this application is made to
druggist, for said liquor.

Sworn before me at
in the Province of Ontario,
this day of
A.D. 191

A Commissioner in B.R.

SCHEDULE "E."

Ontario:

To Wit:

I, _____, of the _____ of
 in the Province of Ontario, minister of the Gospel and now being
 of the _____ Church
 at _____ hereby request you to sell me for sacramental
 purposes only _____ of _____ wine.

Dated at _____, this _____ day of _____, A.D. 191

To

Druggist Retail Licensee.

A.B.

SCHEDULE "F."

GENERAL FORM OF INFORMATION.

ONTARIO. } THE INFORMATION of A.B., of the township of
 County of York, } York, in the County of York, License In-
 To Wit: } spector, laid before me, C.D., Police Magis-
 trate, in and for the City of Toronto, [or one of His Majesty's
 Justices of the Peace, in and for the County of York], the
 day of _____ A.D. 19 _____

The said informant says, he is informed and believes that X.Y.
 on the _____ day of _____ A.D. 19 _____, at the Township
 of York in the County of York, unlawfully did sell liquor in con-
 travention of *The Ontario Temperance Act*.

Laid and signed before me the }
 day and year, and at the }
 place first above mentioned. }
 C.D.
 P.M. or J.P.

A.B.

FORMS DESCRIBING OFFENCES.

1. *Allowing liquor to be illegally consumed on premises under license.*

"That X.Y., having a wholesale or retail druggist's license
 at _____ unlawfully did
 allow liquor to be consumed within his warehouse (or shop, or
 within a building which forms part of, (or is appurtenant to or
 which communicates by an entrance with a warehouse or shop, or
 premises), in contravention of *The Ontario Temperance Act*."

2. *Illegal sale by druggists.*

"That X.Y., being a druggist on _____ at _____,
 did unlawfully sell liquor for other than strictly medicinal purposes
 or without a certificate from any legally qualified medical practi-
 tioner, or sell liquor without recording the same), in contravention
 of *The Ontario Temperance Act*."

3. *Harbouring constables on duty.*

"That X.Y., being a licensed druggist at _____, on _____,
 unlawfully and knowingly did harbour [or entertain or suffer to
 abide and remain on his premises] O.P., a constable belonging to
 a police force."

4. *Compromising or compounding a prosecution.*

"That X.Y., having violated a provision of *The Ontario Temperance
 Act*, on _____ at _____, unlawfully did compromise (or compound,
 or settle, or offer, or attempt to compromise, compound, or settle),
 the offence with A.B., with the view of preventing any complaint

being made in respect thereof [or with the view of getting rid of, or of stopping, or of having the complaint made in respect thereof dismissed, as the case may be]."

5. *Being concerned in compromising a prosecution.*

"That X.Y., on _____, at _____, unlawfully was concerned in [or a party to] a compromise [or a composition, or a settlement] of an offence committed by O.P., against a provision of *The Ontario Temperance Act*."

6. *Tampering with a witness.*

"That X.Y., on a certain prosecution under *The Ontario Temperance Act*, on _____, at _____, unlawfully did tamper with O.P., a witness in such prosecution, before [or after] he was summoned [or appeared] as such witness on a trial [or proceeding] under the said Act, [or unlawfully did induce, or attempt to induce, O.P., a witness in such prosecution, to absent himself, or to swear falsely]."

7. *Refusing to admit policeman.*

"That X.Y., on the _____, at _____, being in (or having charge of) the premises of O.P., being a place where liquor is reputed to be sold unlawfully) did refuse (or fail) to admit [or did obstruct or attempt to obstruct] E.F., an officer demanding to enter in the execution of his duty [or did obstruct or attempt to obstruct E.F., an officer making searches in said premises, and in the premises connected with such place]."

2. *Officer refusing to prosecute.*

"That X.Y., being a police officer [or constable, or Inspector of Licenses in and for the _____, in the County of _____, knowing that O.P. had on _____, at _____, committed an offence against the provisions of *The Ontario Temperance Act*, unlawfully and wilfully did, and still does, neglect to prosecute the said O.P. for his said offence."

FORM OF INFORMATION FOR SECOND OR SUBSEQUENT OFFENCE.

ONTARIO, } THE INFORMATION of A.B., of, etc., License In-
County of York, } spector, laid before me, C.D., Police Magis-
To wit: } trate in and for the _____ of
[or one of His Majesty's Justices of the Peace in and for the County
of _____], the _____ day of _____ A.D. 19 ____.

The said informant says he is informed and believes that X.Y., on _____, at _____, [describe last offence].

And further that the said X.Y. was previously, to wit: on the _____ day of _____ A.D. 19 ____, at the City of Toronto, before C.D., Police Magistrate in and for the _____ of _____ [or at the _____ of _____, in the County of York, before E.F. and G.H., two of His Majesty's Justices of the Peace for the County of _____], duly convicted of having, on the _____ day of _____, 19 ____, at the _____ of _____, in the County of _____, unlawfully sold liquor without the license therefor required by law [or as the case may be].

And further, that the said X.Y. was previously, to wit: on the _____ day of _____, A.D. 19 ____, at the _____ of _____, in the County of _____, before, etc. [as in preceding paragraph], again duly convicted of having, on the _____ day of _____, A.D. 19 ____, at the _____ of _____, in the County of _____, unlawfully allowed liquor to be consumed within a building which communicates by entrance with his shop.

And further, that the said X.Y. was previously, to wit: on the day of , A.D. , at the town of , in the County of , before, etc., (*see above*), again duly convicted of having on the day of , A.D. at the of , in the County of (being in charge of the premises of O.P., a place where liquor was reputed to be sold), unlawfully failed to admit E.F., an officer demanding to enter in the execution of his duty.

And the Informant says the offence hereinbefore firstly charged against the said X.Y. is his offence against *The Ontario Temperance Act*.

Laid and signed before me the day
and year, and at the place first
above mentioned.

C.D.,
J.P.

A.B.

SUMMONS TO WITNESS.

ONTARIO,
County of York,
To Wit:

To J.K., of the City of Toronto, in the County of York.

Whereas, information has been laid before me, C.D., one of His Majesty's Justices of the Peace in and for the of (or Police Magistrate for the of), that X.Y. being a druggist, on the day of , 19 , at the Township of , in the County of , unlawfully did sell liquor for other than strictly medicinal purposes, and it has been made to appear to me that you are likely to give material evidence on behalf of the prosecutor in this behalf.

These are to require you, under pain of imprisonment in the Common Gaol, personally to be and appear on Tuesday, the day of , A.D. 19 , at ten o'clock in the forenoon, at the of , in the of , before me or such Justice or Justices of the Peace as may then be there, to testify what you shall know in the premises [and also to bring with you and there and then produce all and every invoices, cash books, day books, or ledgers and receipts, promissory notes, or other security relating to the purchase or sale of liquor by the said X.Y., and all other books and paper, accounts, deeds, and other documents in your possession, custody or control, relating to any matter connected with the said prosecution].

Given under my hand and seal this day of ,
A.D. 19 , at the of , in the County of .
C.D.,
J.P. (L.S.)

FORM OF CONVICTION FOR FIRST OFFENCE.

ONTARIO,
County of York,
To Wit:

BE IT REMEMBERED that on the day
of A.D. 19 , at the of
, in the said County of York, X.Y.

was convicted before me, C.D., Police Magistrate in and for the of (or before us, E.F. and G.H., two of His Majesty's Justices of the Peace in and for the said County), for that he, the

said X.Y., on the _____ day of _____, A.D. 19____, at the _____ of _____, in the said County, in his premises unlawfully did sell liquor in contravention of *The Ontario Temperance Act, A.B.*, being the informant, and I (or we) adjudge the said X.Y., for his said offence, to forfeit and pay the sum of \$ _____, to be paid and applied according to law, and also to pay to the said A.B. the sum of \$ _____ for his costs in this behalf, and if the said several sums be not paid forthwith, then I [or we] order that said sums to be levied by distress and sale of the goods and chattels of the said X.Y., and in default of sufficient distress in that behalf [or if distress is not ordered omit the foregoing words and proceed] I (or we) adjudge the said X.Y. to be imprisoned in the Common Gaol for the County of _____, at _____, in the said County, and there to be kept for the space of _____ unless the said sums and the costs and charges of conveying the said X.Y. to the said Common Gaol shall be sooner paid.

Given under my hand and seal [or our hands and seals] the day and year first above mentioned, at the _____ of _____, in the County aforesaid.

C.D., (L.S.)
Police Magistrate.

or E.F.,
J.P. (L.S.)

G.H.,
J.P. (L.S.)

FORM OF CONVICTION FOR A SECOND OR SUBSEQUENT OFFENCE.

ONTARIO. } BE IT REMEMBERED that on the day
 County of York, of , A.D. 19 of
 To Wit: , in the said County, X.Y. is con-
 victed before the undersigned C.D., Police Magistrate in and for
 the of , in the said County [or C.D. and E.F., two
 of His Majesty's Justices of the Peace in and for the said County],
 for that he, the said X.Y., on the day of ,
 A.D. 19 , at the of [or of], in
 said County (*as the case may be*), having violated a provision of
The Ontario Temperance Act, unlawfully did attempt to settle the
 offence with A.B., with the view of having the complaint made in
 respect thereof dismissed. And it appearing to me (or us) that the
 said X.Y. was previously, to wit; on the day of ,
 A.D. 19 , at the City of Toronto, before, etc., duly convicted of
 having on the day of , A.D. 19 , at the
 of , unlawfully sold liquor. And it also
 appearing to me (or us) that the said X.Y. was previously to wit:
 on the day of , A.D. 19 , at the
 of , before , etc. (*see above*)
 again duly convicted of having, on the day of ,
 A.D. 19 , at the of , in the said
 of , unlawfully allowed gambling
 (*or as the case might be*).

I [or we] adjudged the offence of said X.Y., hereinbefore firstly mentioned to be his offence against *The Ontario Temperance Act (A.B. being the informant)*, and I (or we) adjudged the said X.Y., for his said offence, to be imprisoned in the Common Gaol of the said of at, in the said County of, there to be kept without hard labour [or with hard

labour, *as the case may be*] for the space of three calendar months
(*or as the case may be*).

Given under my hand and seal [*or our hands and seals*] the day
and year first above mentioned, at Toronto, in the County of York.

C.D. (L.S.)

or

C.D. (L.S.)

E.F. (L.S.)

WARRANT OF COMMITMENT FOR A FIRST OFFENCE WHERE A PENALTY IS
IMPOSED.

ONTARIO, } To ALL or any of the Constables or other Peace
County of , } Officers in the said County of
To Wit: } and to the Keeper of the Common Gaol
of the said County at } in the County of

Whereas X.Y., late of the of , in the said
County, was on this day convicted before the undersigned, C.D.,
Police Magistrate in and for the of [or C.D. and
E.F.], two of His Majesty's Justices of the Peace in and for the
of or County of (*as the case may be*), for
that he, the said X.Y., on , at , unlawfully did
sell liquor without the license therefor by law required (*state offence
as in the conviction*), (A.B. being the informant), and it was thereby
adjudged that the said X.Y., for his offence, should forfeit and
pay the sum of (*as in conviction*), and should pay to
the said A.B. the sum of for his costs in that behalf.

And it was thereby further adjudged that if the said several sums
should not be paid forthwith, the said X.Y. should be imprisoned
in the Common Gaol of the said County at , in the said
County of , there to be kept at hard labour (*or as the case
may be*) for the space of , unless the said several sums
and the costs and charges of conveying the said X.Y. to the said
Common Gaol should be sooner paid.

And whereas the said X.Y. has not paid the said several sums,
or any part thereof, although the time for payment thereof has
elapsed.

[*If a distress warrant issued and was returned, no goods, or not
sufficient goods, say, "And whereas, afterwards on the
day of , A.D. 19 , I, the said Police Magistrate (or
we, the said Justices), issued a warrant to the said Constables or
Peace Officers, or any of them, to levy the said several sums of
and by distress and sale of the goods and
chattels of the said X.Y.;*

"And whereas it appears to me (*or us*) as well, by the return of
the said warrant of distress by the Constable who had the execution
of the said or otherwise, that the said Constable has made diligent
search for the goods and chattels of the said X.Y., but that no
sufficient distress whereon to levy the said sums could be found."]

These are, therefore, to command you, the said Constables or
Peace Officers, or any one of you, to take the said X.Y., and him
safely convey to the Common Gaol as aforesaid, at in the
County of , and there deliver him to the Keeper thereof,
together with this precept.

And I (or we) do hereby command you, the said Keeper of the said Common Gaol, to receive the said X.Y. into your custody in the said Common Gaol, there to imprison him and keep him for the space of (without hard labour or with hard labour, *as the case may be*) unless the said several sums and all costs and charges of the said distress, amounting to the sum of and of the commitment and conveying of the said X.Y. to the said Common Gaol, amounting to the further sum of , shall be sooner paid unto you, the said Keeper, and for so doing this shall be your sufficient warrant.

Given under my hand and seal (or our hands and seals) this day of , at , in the said County of .

C.D. (L.S.)
or
C.D. (L.S.)
G.H. (L.S.)

WARRANT OF COMMITMENT FOR SECOND (or SUBSEQUENT) OFFENCE,
WHERE PUNISHMENT IS BY IMPRISONMENT ONLY.

ONTARIO, } To ALL or any of the Constables or other Peace
County of York, } Officers in the said County of
To Wit: } and to the Keeper of the Common Gaol
of the said County at } , in the County of .

Whereas X.Y., late of the of , in the said County, was on this day convicted before the undersigned, C.D., etc., (or C.D. and E.F., etc., *as in preceding form*); for that he, the said X.Y., on at (state offence, with previous convictions, as set forth in the conviction for the second or third offence, or as the case may be, and then proceed thus): "And it was thereby adjudged that the offences of the said X.Y., hereinbefore firstly mentioned, was his second (or third) offence against *The Ontario Temperance Act* (A.B. being the informant). And it was thereby further adjudged that the said X.Y., for his said second (or third) offence should be imprisoned in the Common Gaol of the said County of , at , in the said County of , and there to be kept without hard labour (or with hard labour, *as the case may be*) for the space of calendar months.

These are, therefore, to command you, the said Constables, or any one of you, to take the said X.Y., and him safely convey to the said Common Gaol at , aforesaid, and there deliver him to the Keeper thereof, with this precept. And I (or we) do hereby command you, the said Keeper of the said Common Gaol to receive the said X.Y. into your custody in the said Common Gaol, there to imprison him and keep him without hard labour (or with hard labour, *as the case may be*) for the space of calendar months.

Given under my hand and seal (or our hands and seals), this day of , A.D. 19 , at , in the said County of .

C.D. (L.S.)
or
C.D. (L.S.)
E.F. (L.S.)

FORM OF DECLARATION OF FORFEITURE AND OF ORDER TO DESTROY
LIQUOR SEIZED.

If in conviction, after adjudging penalty or imprisonment, as in form 7, proceed thus:

"And I [or we] declare the said liquor and vessels in which the same is kept, to wit: two barrels containing beer, three jars containing whiskey, two bottles containing gin, four kegs containing lager beer, and five bottles containing native wine [or as the case may be], to be forfeited to His Majesty, and I [or we] do hereby order and direct that T.D., License Inspector of the do forthwith destroy the said liquor and vessels."

Given under my hand and seal the day and year above mentioned, at, etc.

If by a separate or subsequent Order:

"COUNTY OF YORK, } We, E.F. and G.H., two of His Majesty's
To Wit: } Justices of the Peace for the County of
[or C.P., Police Magistrate of the of
having on the day of , 19 , at the Township of
in the said County, duly convicted X.Y. of having unlawfully kept liquor for sale in contravention of *The Ontario Temperance Act*, do hereby declare the said liquor and vessels in which the same is kept, to wit: [describe the same as above], to be forfeited to His Majesty, and we [or I] do hereby order and direct that J.P.W., License Inspector of the do forthwith destroy the said liquor and vessels.

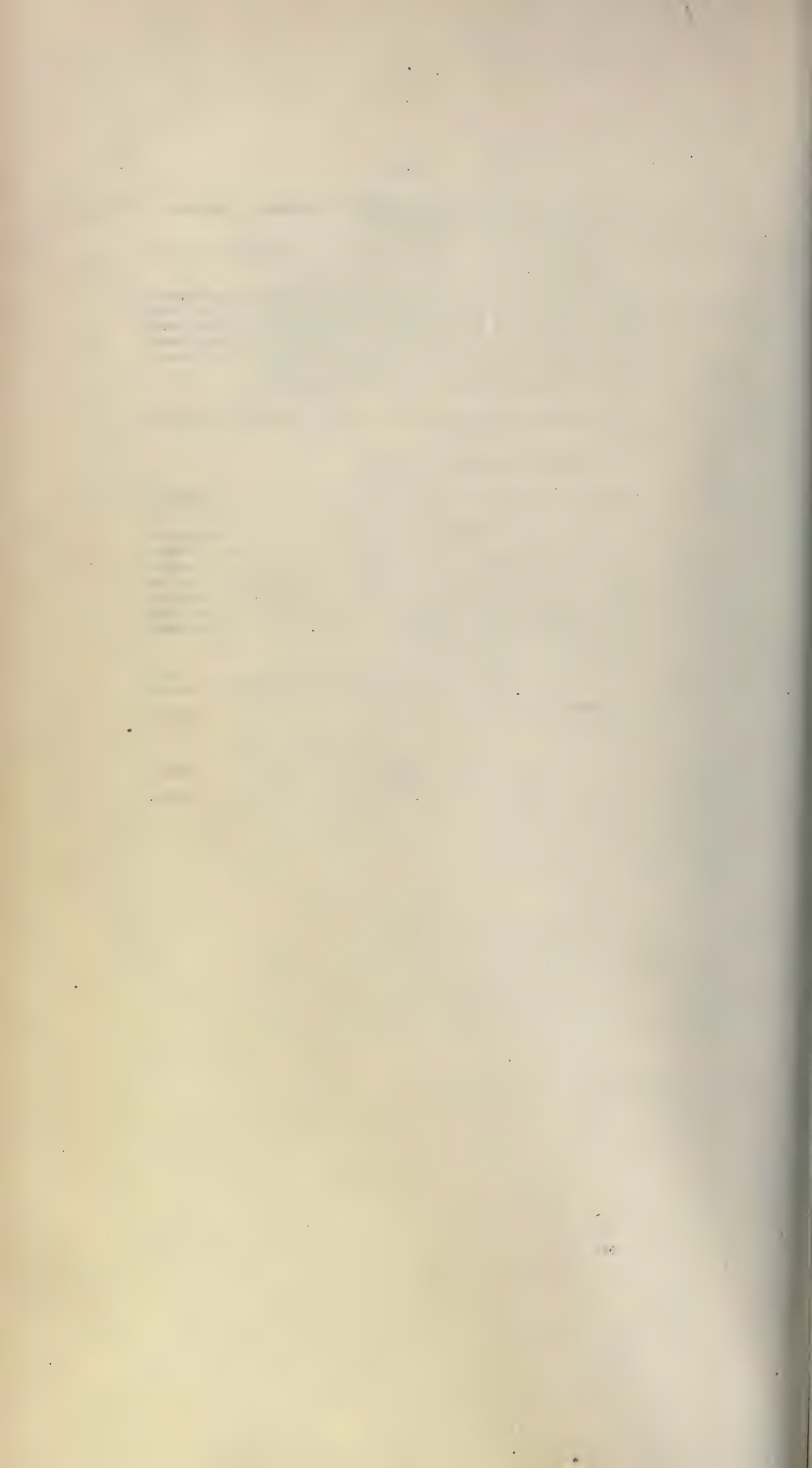
Given under our [or my] hands and seals, this day of , A.D. 19 , at the Township of Scarboro, in the said County.

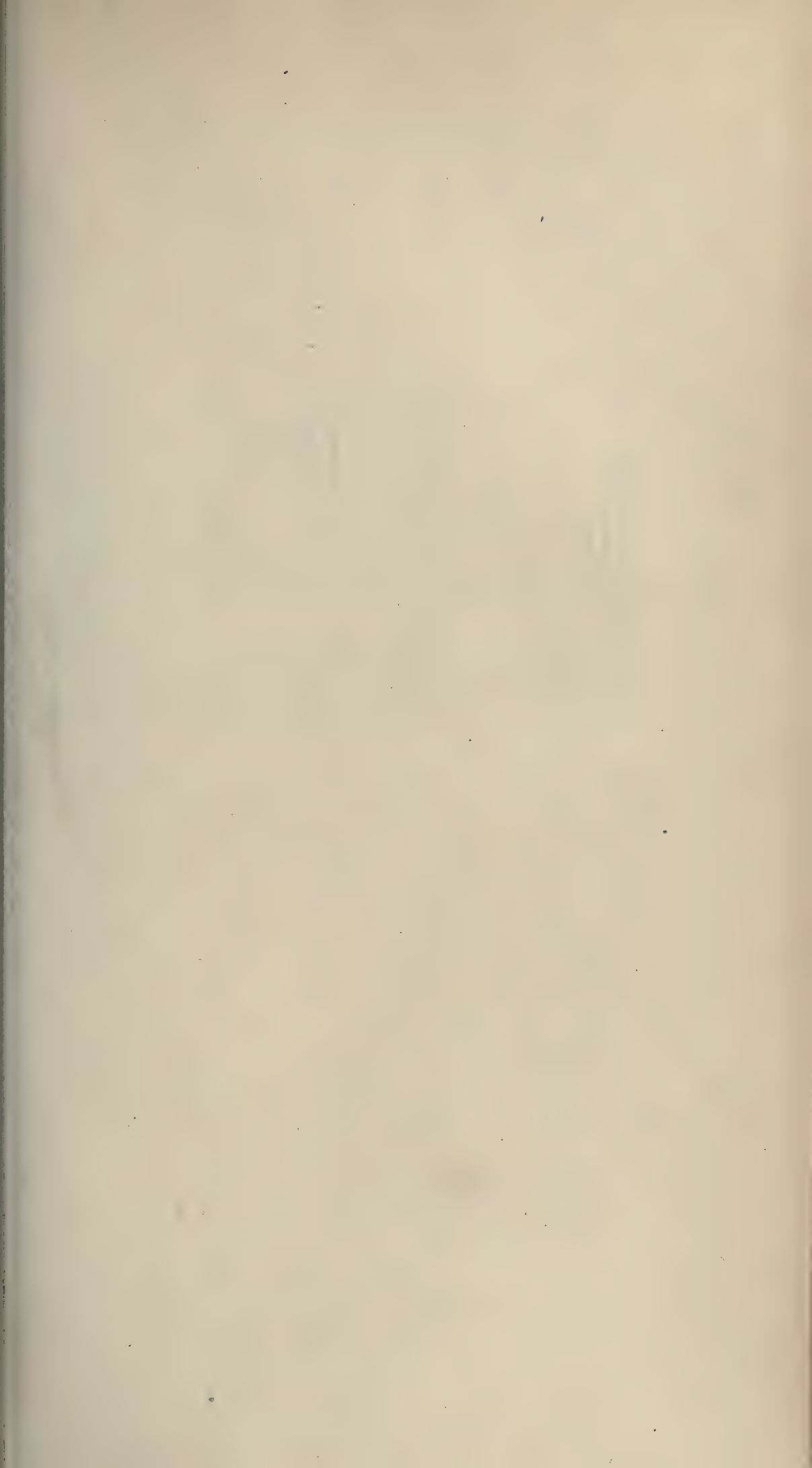
E.F. (L.S.)

or

G.H. (L.S.)

C.D. (L.S.)





2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act intituled The Ontario Temperance
Act.

1st Reading, 22nd March,	1916.
2nd Reading, 4th April,	1916.

*(Reprinted with proposed amendments by
the Committee of the Whole House.)*

Mr. HANNA.

TORONTO:
PRINTED BY A. T. WILGESS,
Printer to the King's Most Excellent Majesty.

No. 101.

1916.

BILL

An Act to amend The Public Schools Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection (1) of section 11 of *The Public Schools Act* is amended by inserting after the word “building,” in the second line thereof, the following “or to change the site of an existing schoolhouse.”

Rev. Stat
c. 286, s. 11,
subs. 1,
amended:

No. 101.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act to amend The Public Schools Act.

1st Reading, 24th March, 1916.

Mr. ELLIOTT.

TORONTO:
PRINTED BY A. T. WIGGESS,
Printer to the King's Most Excellent Majesty.

BILL

An Act to facilitate the execution of Trusts during the present War.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Execution of Trusts Act, 1916.* Short title.

2. In this Act—

Interpretation.

“Trustee” shall include an executor, administrator or administrator with will annexed in relation to the administration of the estate of the deceased. “Trustee.”

3.—(1) A trustee (whether a sole trustee or a trustee with others) may, notwithstanding any rule of law or equity to the contrary, by power of attorney, attested by one or more witnesses, delegate to any person capable of being appointed to be a trustee of the trust the execution during any period for which the trustee is engaged on war service within the meaning of this Act, and a further period of two months thereafter, of any trust of which he is trustee. Delegation of trust by trustee.

(2) For the purposes of this Act a trustee shall be deemed to be engaged on war service— What to be included as war service.

(a) If he is engaged on active service in connection with the present war as a member of any of the military or naval forces of the Crown; and

(b) If he is engaged on service in any work abroad, in connection with the present war, of the British or Canadian Red Cross Society; or the Army Medical Corps, or any other body with similar objects; and

- (c) If in connection with the present war he is a prisoner of war in the enemy's country or is interned in the country of a neutral power.

Donee of power of attorney.

(3) All jurisdiction and powers of any court shall apply to the donee of a power of attorney given under this Act so far as respects the execution of the trust in the same manner as if the donee were a trustee of the trust.

Proof that donee engaged in war service.

(4) A statutory declaration by the donee of a power of attorney under which the execution of a trust is delegated; that the donor is engaged on war service within the meaning of this Act, or that in any transaction the donee is acting in execution of the trust, shall be accepted as sufficient evidence of the fact by any person dealing with the donee.

Registry of power of attorney.

4.—(1) A power of attorney given under this Act may be registered in the registry office of any county or in any land titles office upon the affidavit of the witness being made before the captain or any officer of higher command serving with the British or Canadian Expeditionary Force, or made as now provided by *The Registry Act* or *The Land Titles Act*.

Rev. Stat. cc. 124, 126.

Delegating right to transfer inscribed stock.

(2) The donee of a power of attorney given under this Act may, for the purpose of the transfer of any inscribed stock, himself delegate to an attorney the power to transfer.

Enforced absence of trustee on account of war.

5. The powers conferred by this Act on trustees in relation to any period for which they are engaged on war service, may also be exercised by any trustee not engaged on war service in relation to any period during which, being abroad, he is for any reason connected with the present war unable to return from abroad to the Province of Ontario; and this Act shall have effect, in its application to such trustees, with the necessary modifications.

Trustee may appoint co-executor, etc., as attorney.

6. A trustee may appoint as his attorney his co-executor or co-administrator (if any), or any other person who would be capable of being appointed by a court of competent jurisdiction to be administrator with the will annexed or administrator of such deceased person, if no executor or administrator existed; provided that for the purpose of this provision, a person shall not be deemed to be incapable of being appointed administrator by reason only that some other person would have, according to the law or practice of the court, a prior claim to be so appointed.

Provided.

Indemnification of person dealing with donee of power of attorney.

7.—(1) In favour of any person dealing with the donee of a power of attorney made under this Act, any act done or instrument executed by the attorney shall, notwithstanding

that the power has become revoked by the act of the donor of the power or by his death or otherwise, be as valid and effectual as if the donor of the power were alive, and of sound mind, and had himself done such act or executed such instrument, unless such person had actual notice of the revocation of the power or of the death or unsoundness of mind of the donor of the power before such act was done or deed executed.

(2) In favour of a person dealing with the attorney any such statutory declaration made by the attorney as is mentioned in subsection 4 of section 3 of this Act shall be conclusive evidence of the facts therein declared. **Conclusive proof of absence.**

8. A trustee to whom this Act applies shall, for the purposes of this Act, be presumed to remain alive until definite news of his death has been received or such death has been presumed by a court of competent jurisdiction, and the fact that he is reported "missing" or "missing and believed to be killed" shall not be construed as giving to persons having knowledge of such report actual notice of his death, although in fact it has occurred. **Presumption as to continuance of life of trustee.**

9. This Act shall take effect as from the 4th day of August, 1914. **Commencement of Act.**

10. This Act shall not apply to any trustee under an implied or constructive trust. **Exception as to implied or constructive trust.**

No. 102.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act to facilitate the execution of
Trusts during the present War.

1st Reading, 24th March, 1916.

Mr. HULLIARD.

TORONTO:
PRINTED BY A. T. WILGESS,
Printer to the King's Most Excellent Majesty.

BILL

An Act to Improve the Quality of Dairy Products.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Dairy Standards Act*. Short title.

2. In this Act— Interpretation.

(a) “Factory” shall mean and include a cheese factory or butter manufactory, condensed milk factory, creamery, milk powder factory, milk or cream buying or receiving station or other premises where milk and cream is collected for sale or shipment or manufacture; “Factory.”

(b) “Patron” shall mean one who habitually sells milk or cream at a factory. “Patron.”

3.—(1) All milk and cream received at a factory shall be paid for— Basis of payment for milk and cream.

(a) on the basis of its fat content as determined by the Babcock test; or

(b) on the basis of its fat content as determined by the Babcock test plus the factor 2.

(2) In determining the fat content of milk supplied to a factory the measuring pipette shall have a capacity of 17.6 c.c. of milk. Measuring fat content of milk.
officially stamped.

(3) In determining the fat content of cream supplied to a factory the sample of cream taken for testing shall be weighed into a test bottle officially stamped and shall weigh 9 or 18 grams. Measuring fat content of cream.

Basis of
grading
cream for
butter.

4.—(1) For the purpose of determining standards of grades of cream for buttermaking purposes at a factory the basis of grading shall be—

(a) first grade cream to consist of cream suitable for making first quality butter;

(b) second grade cream to consist of all other cream accepted by the buttermaker for making butter;

and payment for the cream shall be based on the proportion of these two classes.

(2) This section shall come into effect upon proclamation of the Lieutenant-Governor in Council, and the Lieutenant-Governor in Council may establish additional grades.

Penalty for
over-read-
ing or
under-
reading test.

5. Any person who over-reads or under-reads the Babcock test shall upon summary conviction thereof be liable to a penalty of not less than \$10 nor more than \$50.

Pasteuriz-
ing whey.

6. When the whey from a factory is returned in the same milk cans in which the milk is hauled to the factory the whey shall be properly pasteurized.

Regulations.

7. For the purpose of carrying into effect the provisions of this Act, according to their true intent, the Lieutenant-Governor in Council, on the recommendation of the Minister of Agriculture, may make such regulations as may be deemed necessary, advisable or convenient, and may impose penalties for the violation thereof, and such regulations shall have the same force and effect as if incorporated herein.

Act not to
apply to
milk for
human con-
sumption.

8. Nothing in this Act shall apply to milk sold or offered for sale for human consumption.

Penalties.
Rev. Stat.
c. 90.

9. The penalties imposed by or under the authority of this Act shall be recoverable under *The Ontario Summary Convictions Act*.

Commence-
ment of
Act.

10. This Act shall come into force on the 31st day of March, 1917.

No. 103.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act to Improve the Quality of Dairy
Products.

1st Reading, 24th March, 1916.

Mr. DUFF.

TORONTO:
PRINTED BY A. T. WILGESS,
Printer to the King's Most Excellent Majesty.

No. 104.

1916.

BILL

An Act to amend The Audit Act.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:—

1. Section 32 of *The Audit Act* is repealed.

Rev. Stat.
c. 23, s. 32,
repealed.

No. 104.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act to amend The Audit Act.

1st Reading, 24th March, 1916.

Mr. PROUDFOOT.

TORONTO:

PRINTED BY A. T. WILGESS,
Printer to the King's Most Excellent Majesty.

BILL

An Act to Increase the Supplementary Revenue of Ontario.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Amusements Tax Act.*" Short title.
2. In this Act,— Interpreta-
tion.
 - (a) "Owner" of a place of amusement shall mean "Owner." "Owner."
individual, firm, company or corporation operating a place of amusement in Ontario;
 - (b) "Place of amusement" shall mean and include "Place
of amuse-
ment."
theatre, moving picture hall, amusement hall, concert hall, music hall, circus, race-course, baseball park, athletic park, amusement park, skating rink, or other place where an exhibition or entertainment is given or game played and an entrance fee is charged or collected through the sale of tickets or otherwise.
3. Every person attending a performance at a place of amusement shall, upon each admission thereto, pay to His Majesty for the use of Ontario, a tax of one cent, to be collected as herein provided. Tax on
person
attending
perform-
ance.
4. The said tax shall be collected by the owner of the place of amusement by means of tickets and the Treasurer of Ontario may allow the owner and other persons such commission upon the sale of the tickets as may be fixed by the Lieutenant-Governor in Council. Collection
of tax.
5. The tickets shall be supplied to the owner of every place of amusement by the Treasurer of Ontario, and shall be in such form as may be prescribed by the regulations. Tickets.

Receiving
and
destroying
tickets.

6. The owner of a place of amusement shall place at the entrance thereto, a receptacle, of such pattern as may be approved by the Treasurer of Ontario for receiving and destroying the tickets sold under this Act.

Penalty for
evading
tax.

7. Every person who, without having previously paid the tax provided for by this Act, enters a place of amusement in Ontario for the purpose of attending a performance, shall incur a penalty of not less than \$10 nor more than \$200.

Penalty
for non-
collection.

8. Every owner of a place of amusement and every employee of an owner of a place of amusement who permits or authorizes, or is a party or privy to, the admission of any person to a place of amusement for the purpose of attending a performance therein without payment of the tax provided for by this Act, shall incur a penalty of not less than \$10 and not more than \$200.

Recovery
and appli-
cation of
penalties.
Rev. Stat.
c. 90.

9. The penalties imposed by this Act shall be recovered in a manner provided by *The Ontario Summary Convictions Act*, and shall be payable to the Treasurer of Ontario.

Regulations.

10. The Lieutenant-Governor in Council may make such regulations as may be deemed expedient for the purpose of carrying into effect the provisions of this Act, and may, as to patrons of any class or classes of places of amusement, increase the tax hereby imposed to an amount not exceeding twenty-five cents on each admission, and may exclude from the operation of the Act any class or classes of amusement.

Act to come
into force
May 15,
1916.

11. This Act shall come into force and take effect on, from and after the fifteenth day of May, 1916.

No. 105.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act to Increase the Supplementary
Revenue of Ontario.

1st Reading 24th March, 1916.

Mr. McGARRY.

TORONTO:
PRINTED BY A. T. WILGESS,
Printer to the King's Most Excellent Majesty.

BILL

An Act to amend The Corporations Tax Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 4 of section 4 of *The Corporations Tax Act* ^{4 Geo. V. c. 11, s. 2, amended.} as enacted by section 2 of *The Corporations Tax Act, 1914*, is amended by striking out clauses *a*, *b* and *c* and inserting in lieu thereof the following clauses:—

- (a) A company with fixed or permanent paid-up capital, one-twentieth of one per cent. on the paid-up capital thereof, and one-twentieth of one per cent. of all moneys invested in Ontario by such company, but in no case less than \$100; ^{Tax on loan companies. Permanent capital.}
- (b) A company having terminating or withdrawable capital, as well as fixed or permanent capital, one-twentieth of one per cent. on such paid-up terminating or withdrawable capital after the first \$100,000, in addition to the amount payable under clause *a*; ^{Permanent and terminating capital.}
- (c) A company having terminating or withdrawable capital only, one-twentieth of one per cent. of such paid-up terminating or withdrawable capital after the first \$100,000 and one-twentieth of one per cent. of all moneys in excess of \$100,000 invested in Ontario by such company; ^{Terminating capital only.}
- (d) A company receiving deposits or doing the business of a savings bank, in addition to the amount payable under clauses *a*, *b* and *c* hereof, \$500 for the principal office in Ontario and \$25 for each additional office, branch or agency in Ontario. ^{Receiving deposits.}

4 Geo. V.,
c. 11, s. 2,
amended.

2. Subsection 15 of section 4 of *The Corporations Tax Act* as enacted by section 2 of *The Corporations Tax Act, 1914*, is amended by striking out all the words after "fee" on the fourth line thereof and inserting in lieu thereof:—

Tax on race-
track
meetings.

"Of \$1,250 for each day of such meeting and in default of such payment the provincial police may, under instructions from the Treasurer, stop all racing upon such track until the said tax is paid. Provided that the Treasurer may rebate the tax to any company by an amount equal to one per cent. of the sum or sums given yearly by such company in purses or stakes to the owners of horses bred in Canada and to horse owners resident in Canada";

and by adding the following clause thereto:—

Inspection
of tracks
and betting.

(b) The Lieutenant-Governor in Council may designate an officer of the Treasury Department to inspect such tracks and betting at all race meetings, and to perform such other duties in connection therewith as the Lieutenant-Governor in Council may require.

Rev. Stat.
c. 27, s. 7.

3. Section 7 of *The Corporations Tax Act* is amended by substituting the word "September" for the word "October" in the third and fourth lines thereof and by adding the following at the end of said section:—

Interest on
arrears of
tax.

"And shall bear interest at the rate of six per cent. per annum from the first day of November thereafter until paid."

Rev. Stat.
c. 27, s. 15,
amended.

4. Section 15 of *The Corporations Tax Act* is amended by striking out all the words after the word "borrower" in the fourth line thereof.

Tax on
transfer of
shares.

No. 106.

2nd Session, 14th Legislature,
6 George V, 1916.

An Act to amend The Corporations Tax
Act.

1st Reading, 24th March, 1916.

Mr. McGARRY.

TORONTO:
PRINTED BY A. T. WIGGESS,
Printer to the King's Most Excellent Majesty.

BILL

An Act to amend The Succession Duty Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Succession Duty Amendment Act, 1916.*" Short title.

2. Subsection 1 of section 12 of *The Succession Duty Act* is amended by striking out the words:— Rev. Stat.
c. 24, s. 12,
subs. 1,
amended.

"In case the Treasurer is not satisfied with the value of any property as sworn to, or with the correctness of an inventory"

appearing in lines 1, 2 and 3; and by striking out in the ninth line the words Proceedings
when treas-
urer not
satisfied
with
valuation.

"and value any property improperly omitted,"

and substituting the following:—

"and determine what property should be included in such inventory and the value of the same."

3. Section 12 of *The Succession Duty Act* is further amended by adding the following subsection:— Rev. Stat.
c. 24, s. 12,
amended.

"(7) In case the Treasurer is of the opinion that any person or corporation is in possession of any property of a deceased person which is or may be dutiable under this Act, or that any person or corporation is in possession of knowledge or information in reference to the property of any deceased person which is or may be dutiable under this Act, or in case the Treasurer for any Examination
of persons
having
dutiable
property in
possession.

other reason deems it advisable to examine any person in or about the enforcement of the provisions of this Act, the surrogate court judge of the county in which the property or any part thereof is supposed to be situated, shall, at the instance of the Treasurer, order such person or any officer of such corporation to attend before him and submit to examination touching the property of such deceased person, or touching any property in his knowledge, which is, or may be, dutiable under this Act, or otherwise, as may seem just."

Rev. Stat.
c. 24, s. 15,
subs. 1,
amended.

4. Subsection 1 of section 15 of *The Succession Duty Act* is amended by striking out all the words after the word "year" in line 19 and substituting therefor the following:—

Payment of
duty on
annuity.

"the balance of the duties shall be payable by the estate or fund out of which the annuity is charged or derived."

4 Geo. V.
c. 10, s. 10,
repealed.

5. Section 10 of *The Succession Duty Act, 1914*, is repealed and the following substituted therefor:—

Appoint-
ment of
Commis-
sioner to
inquire into
estate.

(1) The Treasurer may appoint a Commissioner or Commissioners to ascertain and inquire into:

- (a) What property, if any, is subject to succession duty under the terms of this Act;
- (b) The fair market value of such property;
- (c) To fix and settle the amount of the debts and other allowances and exemptions and assess the cash value of every annuity, term of lease, term of years, life estate, income or other estate and of every interest in expectancy as provided by this Act;
- (d) The amount of duty payable upon such property and the persons liable therefor;
- (e) To make inquiries as to any property transferred *inter vivos* or wrongfully omitted from any inventory filed; and
- (f) Generally to make inquiry as to any matter or thing arising under this Act in connection with the estate of any deceased persons.

(2) The Commissioner shall direct that notice be given by personal service or otherwise to the executor or such interested parties as he may think proper. Notice to parties.

(3) The Commissioner shall have all the powers of a Judge of the Supreme Court of Ontario at the trial of any action and all the powers which may be conferred upon a Commissioner under *The Public Inquiries Act*, and in addition thereto may, either at or previous to the hearing, make such order for the attendance and examination of any person or the officer or officers of any corporation for discovery or otherwise as he may deem expedient and may direct the persons to be examined to make production upon oath of any books, papers or other writings or documents which may be in the possession of such person or of any corporation. Powers of Commissioner. Examination for discovery.

(4) Where the Treasurer or any person interested desires to produce for use before the Commissioner the evidence of any person to be taken *de bene esse* or to be taken out of Ontario, an order may be made for the examination of such person or for the issue of a Commission in the like circumstances and with the like effect as a similar order may be made in an action. Taking evidence de bene esse or by commission.

(5) The evidence of the witnesses taken before such Commissioner shall be taken down in writing and shall, at the request of either party, be transmitted by the Commissioner to the Central Office at Osgoode Hall. Evidence to be taken down.

(6) A Commissioner may, with the consent of the official guardian, appoint for the purpose of this Act, a guardian of any infant who has no guardian. Appointment of guardian for infant parties.

(7) The costs of proceedings shall be paid as directed by the Commissioner. Costs.

(8) The report of the Commissioner may be filed in the Central Office of the Supreme Court of Ontario at Osgoode Hall, in the City of Toronto. Filing report of Commission.

(9) Upon the report being so filed, it shall become a judgment of the Supreme Court of Ontario, and may be enforced in the same manner and by the like processes as if the judgment had been made by a Judge of the Supreme Court at the trial of an action. Report to become a judgment.

(10) The judgment shall be entered in the same manner as a judgment of the court at the trial. Entry of judgment.

Appeal to
Appellate
Division.

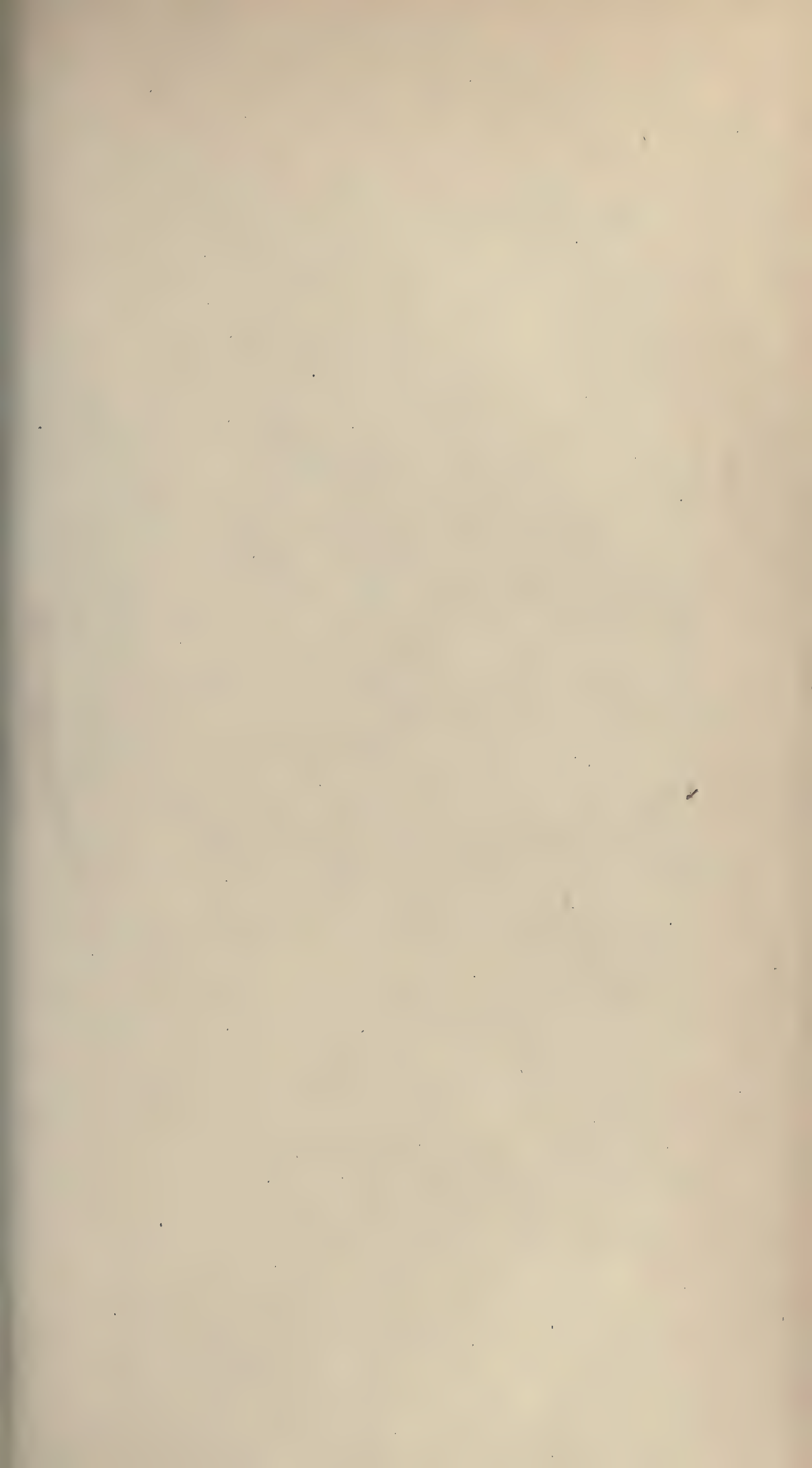
(11) Either the Treasurer or any person interested may appeal from the said judgment to the Appellate Division of the Supreme Court of Ontario, but there shall be no further or other appeal.

Rules of
procedure.

(12) Rules of Court for the better carrying out of the purposes of this Act and the regulations of practice thereunder, including the practice of any appeal, may be made by any authority to whom is committed the power of making rules of Court; but until such rules are made the practice shall be governed by the rules of the Supreme Court of Ontario.

5 Geo. V,
c. 21, s. 6,
subs. 2,
repealed.

6. Subsection 2 of section 6 of *The Succession Duty Act, 1915*, is repealed.



No. 107.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL

An Act to amend The Succession Duty
Act.

1st Reading, 24th March, 1916.

Mr. McGARRY.

TORONTO:
PRINTED BY A. T. WILGESS,
Printer to the King's Most Excellent Majesty.

BILL

An Act to amend The Workmen's Compensation Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 5 of section 9 of *The Workmen's Compensation Act*, as enacted by section 4 of chapter 24 of the Acts passed in the fifth year of His Majesty's reign, is amended by striking out the first three lines thereof and substituting therefor the following:—

4 Geo. V.,
c. 25, s. 9,
subs. 5,
amended.

"No employer in Schedule 1 and no workman of an employer in Schedule 1 or dependant of such workman shall have a right of action against any employer in Schedule 1 in any case within the provisions of subsection 1."

Right of
action de-
clared to be
taken away
as against
employer
in sched. 1.

2. Subsection 5 of section 20 of the said Act is amended by inserting after the word "notice" in the first line thereof the words "or to make such claim."

4 Geo. V.,
c. 25, s. 20,
subs. 5,
amended.
Notice of
claim.

3. Section 28 of the said Act is amended by adding at the end thereof the words "unless otherwise ordered by the Board."

4 Geo. V.,
c. 25, s. 28,
Commuta-
tion by
order of the
Board.

4. The said Act is further amended by adding the following section:—

4 Geo. V.,
c. 25,
amended.

31a. The Board may, where it deems it requisite for the prompt payment of claims, require any employer in Schedule 2 to make deposits of money with the Board from time to time, out of which the Board may pay compensation for accidents to workmen of such employer as they occur.

Requiring
deposits
by employ-
ers in
Schedule 2

Rev. Stat.
c. 25, s. 64,
subs. 3,
amended.
Leave of
Board to
prosecute.

5. Subsection 3 of section 64 of the said Act is amended by adding at the end thereof the words "but no prosecution for any such contravention shall be taken without leave of the Board."

Rev. Stat.
c. 25,
amended.

6. The said Act is further amended by adding thereto the following section:—

Additions to
schedule 1.

76a—(1) The Board may, upon the application of an employer, add to Schedule 1, for such time and upon such terms and conditions as the Board may determine, any industry or part of an industry, or department of work or service, of such employer.

Additions to
schedule 2.

(2) The Board may, upon the application of an employer, add to Schedule 2, for such time and upon such terms and conditions as the Board may determine, any industry or part of an industry, or department of work or service, of such employer not in Schedule 1.

4 Geo. V.,
c. 25, s. 78,
amended.

7. Section 78 of the said Act is amended—

(a) By adding thereto the following subsections:—

Employer
to keep
account of
wages
paid.

(1a) Every employer shall keep in such form and with such detail as may be required for the purposes of this Act a careful and accurate account of all wages paid to his employees.

4 Geo. V.,
c. 25, s. 78,
subs. 4,
amended.

(b) By inserting after the figure "1" in the second line of subsection 4 the words "subsection 1a."

4 Geo. V.,
c. 25,
amended.

8. The said Act is further amended by adding thereto the following section:—

Municipal
assessors to
return
employees.

78a.—(1) Every municipal assessor of a township, town or village, shall yearly, on or before the last day for completing his assessment roll, make a return to the Board upon forms provided by the Board for the purpose showing the names, addresses, nature of business, and usual number of employees, of all employers of labor carrying on in the municipality any industry or business other than farming or mercantile business.

Payment of
assessors.

(2) The Board may make remuneration for such return out of the accident fund.

9. Schedule 2 of the said Act is amended by adding thereto the following paragraph:—

4 Geo. V.,
c. 25, sched.
2, amended.

8. The construction or operation of a bridge connecting the Province with an adjacent province or state, but not its construction when constructed by any person or company other than the person or company owning or operating the bridge.

Addition
of inter-
provincial
bridge work.

10. Section 2 of *The Ontario Railway Act* is amended by inserting after the word "workmen" in the second line of paragraph vi. of clause 2 the words "or their dependants."

Rev. Stat.
c. 185,
s. 2, cl. 2,
amended.

"Working
expenses"
of railways.

No. 108.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act to amend The Workmen's Com-
pensation Act.

1st Reading, 24th March, 1916.

Mr. Lucas.

TORONTO:
PRINTED BY A. T. WILGESS,
Printer to the King's Most Excellent Majesty.

No. 109.

1916.

BILL

An Act to amend The Assessment Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 2 of section 171 of *The Assessment Act* is amended by striking out the words "the amount of the purchase money together with 15 per cent. thereon," in the ninth and tenth lines of said subsection, and inserting in lieu thereof the words "the full amount of taxes and expenses of sale as given in the tax sale advertisement together with 15 per cent. of the purchase money." Rev. Stat. c. 195, s. 171, subs. 2, amended.

No. 109.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act to amend The Assessment Act.

1st Reading, 27th March, 1916.

Mr. CARGILL.

TORONTO:
PRINTED BY A. T. WILGESS,
Printer to the King's Most Excellent Majesty.

No. 110.

1916.

BILL

An Act to amend The Assessment Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Clause (a) of subsection (1) of section 22 of *The Assessment Act* is amended by adding the following words:—

Rev. Stat. c.
195, s. 22,
subs. (1)
cl. (a),
amended.

“also the names and ages of all male persons between the ages of 18 and 45 years, inclusive, residing at the property assessed, including those temporarily absent.”

No. 110.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act to amend The Assessment Act.

1st Reading, 28th March, 1916.

Mr. McPHERSON.

TORONTO:
PRINTED BY A. T. WIGGESS,
Printer to the King's Most Excellent Majesty.

BILL

An Act to amend the Act to authorize and confirm Grants by Municipal Corporations for Patriotic Purposes.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1.—(1) Section 1 of *The Act to authorize and confirm Grants by Municipal Corporations for Patriotic Purposes* is amended by inserting the following clauses:—

- (i) Provide, furnish, equip and maintain, improve and alter buildings (other than armouries or drill sheds) to be used as quarters or barrack accommodation for officers and men, members of the Canadian Expeditionary Force, while in training in the municipality for active service during the present war with the naval or military forces of the British Empire and Great Britain's allies; Buildings for barrack accommodation.
- (j) Assist in obtaining recruits for the said Canadian Expeditionary Force; Recruits.
- (k) Purchase musical instruments and musical equipment for any band of a battalion forming part of the said Canadian Expeditionary Force. Band instruments.
- (2) Any grants heretofore made for any of the purposes mentioned in subsection 1 are confirmed and declared to be legal, valid and binding. Grants confirmed.

No. 111.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act to amend The Act to authorize
and confirm Grants by Municipal
Corporations for Patriotic Purposes.

1st Reading, 28th March, 1916.

Mr. MATHIEU.

TORONTO:
PRINTED BY A. T. WILGESS,
Printer to the King's Most Excellent Majesty.

BILL

An Act to amend the Act to authorize and confirm Grants by Municipal Corporations for Patriotic Purposes.



HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1.—(1) Section 1 of *The Act to authorize and confirm Grants by Municipal Corporations for Patriotic Purposes* is amended by inserting the following clauses:—



(i) Provide, furnish, equip and maintain, improve and alter buildings (other than armouries or drill sheds) to be used as quarters or barrack accommodation for officers and men, members of the Canadian Expeditionary Force, while in training in the municipality for active service during the present war with the naval or military forces of the British Empire and Great Britain's allies; Buildings for barrack accommodation.

(j) Assist in obtaining recruits for the said Canadian Expeditionary Force; Recruits.

(k) Purchase musical instruments and musical equipment for any band of a battalion forming part of the said Canadian Expeditionary Force. Band instruments.

 (l) Provide machine guns for the said Canadian Expeditionary Force.  Machine guns.

(2) Any grants heretofore made for any of the purposes mentioned in subsection 1 are confirmed and declared to be legal, valid and binding. Grants confirmed.

 **2.** Section 2 of the said Act is amended by striking out the word "ten" in the third line and substituting therefor the word "twenty."  Issue of twenty-year debentures authorized.

No. 111.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act to amend The Act to authorize
and confirm Grants by Municipal
Corporations for Patriotic Purposes.

1st Reading, 28th March, 1916.

2nd Reading, 3rd April, 1916.

*(Reprinted as amended by the Municipal
Committee.)*

MR. MATHIEU.

TORONTO:
PRINTED BY A. T. WILKES,
Printer to the King's Most Excellent Majesty.

BILL

An Act to amend the Act to authorize and confirm Grants by Municipal Corporations for Patriotic Purposes.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 1 of *The Act to authorize and confirm Grants*^{5 Geo. V.,}
by Municipal Corporations for Patriotic Purposes is^{c. 37, s. 1,} amended,
amended by adding the following as clause (i):—

- (i) Provide machine guns for the Canadian Expeditionary Force. Any money granted for such^{Machine guns.} purpose may be paid to the Department of Militia and Defence and any aid heretofore granted for such purpose is confirmed.

No. 112.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act to amend The Act to authorize and
confirm Grants by Municipal Cor-
porations for Patriotic Purposes.

1st Reading, 28th March, 1916.

Mr. McElroy.

TORONTO:
PRINTED BY A. T. WILKINS,
Printer to the King's Most Excellent Majesty.

BILL

An Act to amend The Boards of Education Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 6 of *The Boards of Education Act* is amended by adding thereto the following as subsection (4a):—

Rev. Stat.
c. 269, s. 6,
amended.

(4a) Upon an affirmative vote of the majority of the persons qualified to vote for public school trustees in favour of the annual election of the members of the Board of Education, all the elective members of such Board shall, notwithstanding anything in this Act, be elected annually, and the clerk of the city shall notify the secretary of the Board of Education in writing of the result of the voting, and all the members of the Board of Education shall cease to hold office on the 31st of December of the same year.

Annual
election of
members
of board.

This section shall apply whether such vote be taken before or after the passing hereof.

No. 113.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act to amend The Boards of Education Act.

1st Reading, 28th March, 1916.

Mr. McPHERSON.

TORONTO:
PRINTED BY A. T. WIGGESS,
Printer to the King's Most Excellent Majesty.

BILL

An Act to amend The Motor Vehicles Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Motor Vehicles Amendment Act, 1916*. Short title.

2. The administration of *The Motor Vehicles Act* is hereby vested in the Department of Public Highways. Administration.

3. The words "Minister of Public Works and Highways" are substituted for the words "Provincial Secretary" wherever they occur in *The Motor Vehicles Act*. Minister of Public Works and Highways.

4. Section 3 of *The Motor Vehicles Act* is amended by adding thereto the following as subsection 6:— Rev. Stat. c. 207, s. 3, amended.

(6) Declarations or affidavits in connection with the issuance of permits and licenses under this Act or required by the regulations of the Department of Public Highways in that regard, may be taken before any person having authority to administer oaths or before any person specially authorized for that purpose by the Lieutenant-Governor-in-Council, but any person so specially authorized shall not charge any fee therefor. Administration of declaration and affidavits.

5.—(1) Subsection (3) of section 4 of *The Motor Vehicles Act* is amended by striking out the words "two members" in the fourth line thereof and substituting therefor the words "one member". Rev. Stat. c. 207, s. 4, subs. (3) amended.

(2) Subsection (4) of section 4 is repealed and the following substituted therefor:— Rev. Stat. c. 207, s. 4, subs. (4), repealed.

- “(4) If there is not one appointed member residing in the municipality, the certificate may be signed by one such appointed member residing in the municipality nearest to that in which the applicant resides.”

Rev. Stat.
c. 207, s. 9,
subs. (1),
amended.
Telephone
numbers
and street
addresses.

- (3) Subsection (1) of section 9 of *The Motor Vehicles Act* is amended by adding thereto the following:—“but this shall not prevent telephone numbers or street addresses being painted on the side of any commercial vehicle.”

Rev. Stat.
c. 207, s. 10,
amended.

6. Section 10 of *The Motor Vehicles Act* is amended by adding thereto the following as subsection (1a):—

Regulations
for sus-
pension of
certain
sections.

- (1a) The Lieutenant-Governor-in-Council may make regulations providing for the temporary suspension or modification of any of the provisions of sections 3, 4, 7, 8 and 9 with respect to any person who is a resident of the United States of America and who has complied with the provisions of the law of the State in which he resides as to the registration of motor vehicles and the display of the registration number thereon, and in the case of a driver as to obtaining a license to drive.

Rev. Stat.
c. 207, s. 10,
subs. (2),
amended.

7. Subsection (2) of section 10 of *The Motor Vehicles Act* is amended by inserting after the word “Province” in the second line thereof the words “or State”.

No. 114.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act to amend The Motor Vehicles
Act.

1st Reading, 28th March, 1916.

Mr. MACDIARMID.

TORONTO:
PRINTED BY A. T. WILGESS,
Printer to the King's Most Excellent Majesty.

No. 115.

1916.

BILL

An Act to amend The Noxious Weeds Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 1 of section 7 of *The Noxious Weeds Act* Rev. Stat. c. 253. is amended by adding thereto the following words:—

“Such notice in the case of ‘resident land’ in a city Giving notice to owner or occupant in city. may be given by posting the same to the owner or occupant at his address, if known, but if such address be unknown the notice may be addressed to such owner or occupant at the General Post Office of the city.”

No. 116.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act to amend The Noxious Weeds
Act.

1st Reading, 28th March, 1916.

Mr. RUSSELL.

TORONTO:
PRINTED BY A. T. WILKES,
Printer to the King's Most Excellent Majesty.

No. 116.

1916.

BILL

An Act respecting Education for Industrial Purposes.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Notwithstanding the provisions of *The Industrial Education Act* and amendments thereto, the members of the Advisory Industrial Committee and the Advisory Commercial Committee in cities shall cease to hold office on the 31st of December, 1916, and thereafter the powers and duties exercised by such committees shall be vested in and be performed by the Board of Education.

Abolition
of advisory
committees
appointed
under Rev.
Stat. c. 276.

No. 116.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act respecting Education for Industrial Purposes.

1st Reading, 28th March, 1916.

Mr. Hook.

TORONTO:
PRINTED BY A. T. WIGGESS,
Printer to the King's Most Excellent Majesty.

No. 117.

1916.

BILL

An Act to amend The Public Schools Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Clause *j* of section 73 of *The Public Schools Act* is repealed.
- Rev. Stat.
c. 266, s. 73,
cl. j,
repealed.
Dental and
medical
inspection.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act to amend The Public Schools Act.

1st Reading, 28th March, 1916.

Mr. OWENS.

TORONTO:
PRINTED BY A. T. WILGESS,
Printer to the King's Most Excellent Majesty.

BILL

An Act to amend the Act to aid in the improvement of Public Highways.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The sum of \$1,000,000 is hereby set apart out of the Consolidated Revenue Fund to aid in the improvement of public highways. Additional \$1,000,000 set apart.

2. The said sum shall be in addition to any sum heretofore set apart for the like purpose, and shall be applied as provided by *The Act to Aid in the Improvement of Public Highways* and amendments thereto, and subject to the same terms and conditions as the fund set apart by that Act, and shall also be applied as provided by *The Ontario Highways Act*. Application of fund under Rev. Stat. c. 40. 5 Geo. V., c. 17.

3. Section 3 of *The Highway Improvement Act* is amended by striking out the figures \$2,000,000 in the first line and substituting therefor the figures \$3,000,000. Rev. Stat. c. 40, s. 3, amended.

No. 118.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

**An Act to amend the Act to aid in the
Improvement of Public Highways.**

1st Reading, 28th March, 1916.

Mr. MACDIARMID.

TORONTO:
PRINTED BY A. T. WIGGESS,
Printer to the King's Most Excellent Majesty.

BILL

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 459 of *The Municipal Act* is repealed and the following substituted therefor:—

Rev. Stat.
c. 192, s. 459,
repealed.

- (1) Every iron, steel, concrete or stone bridge constructed by the corporation of a county, and every such bridge exceeding twenty feet (20) clear span constructed by the corporation of a township shall be designed and built in accordance with general specifications approved by the Department of Public Highways.
- (2) Plans in duplicate for any such bridges may be submitted by the council of any county or township to the Department of Public Highways, and if they are found to be in accordance with such approved general specifications the certificate of the Department shall be attached, and one of such plans shall be returned to the clerk of such county or township.

Specifica-
tions for
certain
bridges.

Duplicate
plans to be
submitted.

No. 119.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act to amend The Municipal Act.

1st Reading, 28th March, 1916.

Mr. MACDIARMID.

TORONTO:
PRINTED BY A. T. WHIGGESS,
Printer to the King's Most Excellent Majesty.

BILL

An Act to amend The Ontario Railway Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Ontario Railway Act* is amended by inserting therein the following as Section 219a:

Rev. Stat.
c. 185,
s. 219,
amended.

219a (1). Notwithstanding anything in this Act or any other Act of the Legislative Assembly of the Province of Ontario, or any custom or usage to the contrary in cities of over 200,000 inhabitants, every electric railway company or street railway company operating a railway therein shall furnish free transportation over all the lines so operated by the said companies for all officers, non-commissioned officers and privates of His Majesty's regular Army or Navy, including those in course of training.

Free
transporta-
tion of
troops on
electric
lines.

(2) Every such company failing or refusing to comply with the provisions of the foregoing section shall forfeit and pay a penalty of one hundred dollars for each offence, and such penalty may be recovered under *The Ontario Summary Convictions Act*.

Penalty.

Rev. Stat.
c. 90.

No. 120.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act to amend The Ontario Railway
Act.

1st Reading, 28th March, 1916.

Mr. Irish.

TORONTO:
PRINTED BY A. T. WIGGESS,
Printer to the King's Most Excellent Majesty.

No. 121.

1916.

BILL

An Act to amend The Ontario Railway Act.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. Subsections 2 to 6, inclusive, of Section 107 of *The Ontario Railway Act* are hereby repealed.

Rev. Stat.
c. 135, s. 107,
subs. 2 to 6,
repealed.

No. 121.

2nd Session, 14th Legislature.
6 George V, 1916.

BILL.

An Act to amend The Ontario Railway
Act.

1st Reading, 28th March, 1916.

Mr. IRISH.

TORONTO:
PRINTED BY A. T. WIGGESS,
Printer to the King's Most Excellent Majesty.

BILL

An Act to amend The Public Health Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Public Health Act* is amended by inserting therein the following as Section 32a: Rev. Stat. c. 218, s. 32, amended.

32a. The Local Board may provide such dental and medical inspection of the pupils of all public and separate schools as the Regulations under *The Department of Education Act* may prescribe, and, in the absence of such regulations, as the Local Board may deem proper, and may execute, do and provide all such acts, matters and things as may be found necessary from such inspection. Dental and medical inspection of school children. Rev. Stat. c. 265.

No. 122.

2nd Session, 14th-Legislature,
6 George V, 1916.

BILL.

An Act to amend The Public Health Act.

1st Reading, 28th March, 1916.

Mr. GOODERHAM.

TORONTO:

PRINTED BY A. T. WILGESS,

Printer to the King's Most Excellent Majesty.

BILL

An Act to confirm By-law No. 1206 of 1916, of the Township of Raleigh, concerning the Raleigh Plains Drain.

WHEREAS, the Corporation of the Township of Raleigh ^{Preamble.} has, by Petition, represented that the Raleigh Plains Drain is a large drainage work constructed in the Township of Raleigh in or about the years 1895 and 1896 under the laws of Ontario respecting drainage and local assessment therefor at a cost of about \$60,000.00; that the said drainage work forms the outlet for the drainage of about 62,200 acres of land in the County of Kent, 2,800 acres of which are in Harwich Township, 3,400 acres in Tilbury East Township and 56,000 acres in Raleigh Township; that in the year 1914, the said drain having become out of repair, the Township of Raleigh undertook to repair the same and passed a By-law (Number 1122 of 13th April, 1914) for that purpose, thereby adopting the report and specifications of Engineer George A. McCubbin, and authorizing and directing the work of repair to be done in accordance therewith; that the estimated cost of the said work of repair was \$24,003.70; that the work, being one of repair only, the Engineer necessarily restricted his specifications to the original dimensions of the drain; that, in the year 1915, the Township of Raleigh passed a By-law (Number 1180 of 3rd May, 1915) for the purpose of raising its proportion of the said cost, namely, \$22,000.40, and levied the same upon the lands and roads liable to assessment in the same relative proportions as determined by the by-law for the original construction, spreading the same over a period of ten years; that the Township of Raleigh also duly served upon the other municipalities interested copies of its By-law Number 1122 for the purpose of collecting from the said municipalities their proportions of the said cost, namely, \$739.50 from the Township of Tilbury East, and \$1,263.80 from the Township of Harwich; that the work of repair consists entirely of dredge work and bridge construction, and the Township let the contracts to a reliable contractor in the

month of August, 1914, and the said contractor has proceeded with the work, and now has a large part of the excavation satisfactorily done and has completed the excavation from the head of the work some three miles down the course of the drain and to within a few rods of where the drain is crossed by the 4th Concession Road; that many of the ratepayers of the Township of Raleigh have recently represented to the Council that a departure should be made from the original dimensions of the drain and that the same should be widened ten feet from the 4th Concession Road down to the Drake Road, and that from the Drake Road to the Town Line between Raleigh and Tilbury instead of doing the work in the bottom of the drain as specified in By-law 1122 (thereby confining the work within the original dimensions of the drain), the drain should be widened twenty-five feet, and that said ratepayers have requested the Township of Raleigh to vary the work accordingly; that the Council of the Township having carefully considered the said representations are of the opinion that the proposed changes are desirable, and that the request of the ratepayers should be granted; that the proposed changes can be made now at comparatively small expense owing to the contractor being now engaged upon the work with his machinery, and that the contractor has offered to do the widening of twenty-five feet, instead of the repair work in the bottom of the drain above mentioned, without any extra charge to the Township; that the Township has, therefore, passed a By-law, being By-law Number 1206, passed the 27th day of March, 1916, authorizing and directing the proposed changes to be made and providing for the raising of the funds necessary for the extra expense that will be incurred, but the Township is advised that such By-law may not be acted upon until confirmed by an Act of the Legislature; and whereas the said Corporation has prayed that an Act may be passed confirming the said By-law and for the other purposes hereinafter mentioned; and whereas it is expedient to grant the prayer of the said Petition,

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law No.
1206 of 1916
confirmed.

1. The said By-law of the Township of Raleigh, being By-law Number 1206 of 1916, of the said Township, set forth in the Schedule "A" hereto, and the report and assessment therein set forth, are hereby validated and confirmed.

Debentures
valid and
binding.

2. The debentures to be issued by the said Township under the said By-law to provide the money necessary for the works authorized by the said By-law shall be valid and

binding upon the Township to their full face value, both for principal and interest.

3. All levies and collections made upon the authority of the said By-law shall be deemed to be valid and lawful. Levies and collections to be valid.

4. The provisions of *The Municipal Drainage Act* shall apply with regard to the work done under the said By-law to the same extent as if the said work had been lawfully done under the provisions of Section 72 of the said Act. Application of provisions of Rev. Stat. c. 198.

5. The costs and expenses in connection with the said By-law and with the application for and the passing of this Act shall be chargeable to the drainage area and may be added to and collected along with the costs of the works authorized by the By-law hereby validated. Costs and expenses, how chargeable.

SCHEDULE "A."

BY-LAW NUMBER 1206 OF THE TOWNSHIP OF RALEIGH.
FINALLY PASSED THE 27TH DAY OF MARCH, 1916.

Whereas the Raleigh Plains Drain was constructed under By-law Number 641 of the Township of Raleigh, passed the 17th day of June, 1895, in pursuance of the Drainage Laws of Ontario and at the cost of lands and roads in the Townships of Raleigh, Tilbury East and Harwich, in the County of Kent;

And Whereas it is the duty of the Township of Raleigh, under the Statutes in that behalf, to keep the said drainage work in repair from the head of the drain, in the Township of Raleigh, to the Town Line between the Townships of Tilbury East and Raleigh, which is nearly the whole of the drainage work;

And Whereas the said drainage work became out of repair, and in the year 1914 the said Township undertook a work of repair of the said drain in accordance with the report, plans and specifications of one George A. McCubbin, Esquire, Civil Engineer, which said report, plans and specifications were adopted and the work authorized to be done by By-law Number 1122 of the Township of Raleigh, passed the 13th day of April, 1914;

And Whereas the estimated cost of the said work of repair was \$24,003.70, of which the proportion to be contributed by the Township of Raleigh was \$22,000.40, that by Tilbury East \$739.50, and that by Harwich \$1,263.80;

And Whereas, under the said By-law Number 1122 and under By-law Number 1180 of the Township of Raleigh, passed the 3rd day of May, 1915, the said Township of Raleigh undertook the said work of repair, and the assessment, levy and collection of the rates necessary to raise the cost of the same, such assessment being a pro rata assessment over the whole drainage area in the same relative proportions as the assessment for the original construction;

And Whereas the contracts for the work have been let and a large part of the excavation has now been done;

And Whereas a great many ratepayers in the Township of Raleigh have represented to the Council that while the contractor is at work an improvement should be made in the drain by widening the same ten feet from the west side of the 4th Concession Road to the Drake Road, and have also requested the Council to depart from the specifications adopted by said By-law Number 1122 and to widen the drain below the Drake Road to the Raleigh and Tilbury Town Line twenty-five feet, instead of doing the repair work in the bottom of the drain as provided for by the said report and By-law Number 1122, which work will also necessitate the widening of the bridge and other expense;

And Whereas the Council is of the opinion that the wishes of the ratepayers in this behalf should be complied with and has submitted the matter to the Engineer, whose report in respect to the matter is as follows:—

"Chatham, Ontario, March 24th, 1916.

"To the Reeve and Council of the
Township of Raleigh.

"Gentlemen,—

"Acting on instructions received through your Township Solicitor, I have carefully considered the proposals which have been made to vary the specifications for the repair of the Raleigh Plains Drain. Those specifications, dated November 25th, 1913, and pre-

pared under the directions of the Council of 1913, provided for repairs which were limited strictly to the original dimensions of the drain as constructed some twenty years ago.

"The first proposal is that from the Drake Road to the Town Line the repair work in the bottom of the drain for about two-thirds of its width on the northerly side of the drain be abandoned and that repairs in the bottom be made for about one-third of the width along the southerly side and that a widening of twenty-five feet in the drain be made along the southerly bank. This solid excavation of twenty-five feet to be made on the southerly side of the drain will be of much greater benefit to the drain than the trifling repairs in the bottom which would be required to restore the drain to its original dimensions, and, as the contractor is willing to do this widening on the bank instead of the repairs in the bottom and without additional charge for excavation, it seems a decided advantage to the drainage work and to the ratepayers to take advantage of this opportunity. There will be some additional cost for the twenty-five foot strip of land taken for widening the drain, also for additional damages to lands and crops caused by the disposal of a greater quantity of excavated material and for the lengthening of a highway bridge on the road between Concessions 3 and 4.

"The second proposal is that the drain be widened ten feet from the Drake Road to the road between Concessions 4 and 5, this widening to be done as an improvement additional to the work of repairing this portion of the drain to its original dimensions. It is stated that the contractor, who is using a drag-line excavator, is willing to do this additional work at the rate of ten cents per cubic yard if he is allowed to handle it in connection with the repair work, but that such excavation could not be made otherwise at the same price. The drain, after a work of repair, would not have the capacity which it should have, and a work of improvement is undoubtedly needed.

"If the proposed changes are made in the work, the additional cost would be about \$4,000.00, made up as follows:—

"For additional land taken by widening	\$900 00
"For additional damages to lands and crops caused by disposal of material from the drain	400 00
"For lengthening highway bridge at 3-4 Concession Road..	1,000 00
"For additional excavation due to 10-foot widening from Drake Road to 4-5 Concession Road	1,700 00

"The above \$4,000.00, if levied against the municipalities assessed for the original construction of the Raleigh Plains Drain and in the same relative proportions will be distributed as follows:—

"Township of Raleigh	\$3,740 38
"Township of Harwich	179 75
"Township of Tilbury East	79 87

"I have the honor to be, Gentlemen,

"Your obedient servant,

"GEO. A. McCUBBIN, O.L.S., C.E."

BE IT, THEREFORE, ENACTED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF RALEIGH:

1. That the foregoing report be and the same is hereby adopted.
2. That the variations and changes from the specifications, as adopted by By-law Number 1122 and as approved by the Engineer in the foregoing report, be and the same are hereby authorized, and the Commissioners appointed by the Township upon the Raleigh Plains Drain are hereby authorized and instructed to have such changes and variations made.

3. That the Reeve of the said Township may borrow on the credit of the Corporation of the said Township the sum of \$3,740.38, being the said Township's proportion of the funds necessary for the said work, and may issue debentures of the Corporation to that amount in sums of not less than One Hundred Dollars each, and payable within ten years from the date of the said debentures, with interest at the rate of six per centum per annum in manner following, that is to say:—In ten consecutive, annual instalments of such amounts (without combining the principal and interest), that, with the interest in respect of the debt payable annually, the aggregate amount payable for principal and interest in each year shall be, as nearly as possible, the same; such debentures to be payable at the Branch of the Molsons Bank at the Village of Merlin, in the Township of Raleigh, and to have attached to them coupons for the payment of interest.

4. For paying the sum of \$3,167.61, being the proportion of the said sum chargeable against the lands in the said Township for the said works (apart from the lands and roads belonging to or controlled by the municipality), and for covering interest thereon for ten years at the rate of six per centum per annum, a special rate, over and above all other rates, shall be assessed, levied and collected (in the same manner and at the same time as other taxes are levied and collected), upon and from the lots and parts of lots assessed for original construction by By-law Number 641 above mentioned, and the amount of the said total special rates and interest against each lot or part of lot respectively shall be divided into ten equal parts and one such part shall be assessed, levied and collected as aforesaid in each year for ten years after the final passing of this By-law during which the said debentures have to run, maintaining throughout, in the said assessment, levy and collection, the same relative proportions as those determined by the report and assessment for original construction, namely, the report and assessment set forth in said By-law Number 641.

5. For paying the sum of \$572.77, being the proportion chargeable against the said lands and roads in the municipality, in accordance with and in the proportions determined by the said original report and assessment and for covering interest thereon for ten years at the rate of six per centum per annum, a special rate on the dollar sufficient to produce the required yearly amount therefor shall, over and above all other rates, be levied and collected (in the same manner and at the same time as other taxes are levied and collected), upon and from the whole taxable property in the said Township of Raleigh in each year for ten years after the final passing of this By-law during which the said debentures have to run.

6. That this By-law shall be deemed to be an amending By-law to By-laws 1122 and 1180 above referred to and the works hereby authorized works of repair as though undertaken pursuant to and authorized by Section 72 of *The Municipal Drainage Act*.

7. This By-law shall not come into force nor take effect until approved of by the Legislature of the Province of Ontario.

(Sgd.) L. A. PARDO,
Reeve.

(Sgd.) A. E. ROBINSON,
Clerk.

Seal.

No. 123.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act to confirm By-law No. 1206 of
1916 of the Township of Raleigh
concerning the Raleigh Plains
Drain.

(*Private Bill.*)

Mr. SUTMAN.

TORONTO:

PRINTED BY A. T. WIGGESS,
Printer to the King's Most Excellent Majesty.

BILL

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. *The Municipal Act* is amended by adding the following as section 50a:—

50a. The council of a township which is entitled to less than three deputy reeves may by by-law passed prior to the first day of November in any year provide that the councillors to be elected thereafter so long as the by-law remains in force shall be designated and hold office as first councillor, second councillor or third councillor as the case may be, and if such by-law is passed the election of candidates for the office of first councillor, second councillor or third councillor shall be held in the same manner as an election for the office of first deputy reeve, second deputy reeve or third deputy reeve.

Election of councillors, how designated.

2.—(1) Subsection 4 of section 69 of *The Municipal Act* is amended by striking out the words "In an urban municipality" in the first line and substituting therefor the words "In a local municipality."

Rev. Stat. c. 192, s. 69, subs. 4, amended.

(2) Subsection 1 of section 242 of *The Municipal Act* is amended by striking out the words "as a member of the council of a township or" in the first and second lines.

Rev. Stat. c. 192, s. 242, subs. 1, amended.

No. 124.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act to amend The Municipal Act.

1st Reading, 29th March, 1916.

Mr. HENRY.

TORONTO:
PRINTED BY A. T. WILGESS,
Printer to the King's Most Excellent Majesty.

BILL

An Act to regulate the Purchase, Sale and Transfer of Stocks of Goods in Bulk.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:—

1. This Act may be cited as *The Bulk Sales Act*. Short title.

2. In this Act— Interpreta-
tion.

(a) “Creditor” shall mean and include a person to whom any merchant is indebted, whether the debt is due and owing or not yet payable, and shall include any surety and the endorser of any promissory note or bill of exchange who would upon payment by him of the debt, promissory note or bill of exchange in respect of which such suretyship was entered into or such endorsement given, become a creditor of a merchant as defined by this Act;

(b) “Merchant” shall mean and include a person who, as his ostensible occupation, buys and sells goods, wares and merchandise, ordinarily the subject of trade and commerce, and a commission merchant and manufacturer;

(c) “Judge” shall mean a Judge of the County or District Court of the county or district in which the merchant’s stock-in-trade is located at the time of the sale or intended sale thereof;

(d) “Stock” shall mean a stock of goods, wares and merchandise, ordinarily the subject of trade and commerce;

"Trustee."

- (e) "Trustee" shall mean and include (first) the Sheriff of the County or District in which the stock, the subject matter of the sale or intended sale, is located; (secondly) any person appointed by the debtor to act as trustee and who has lodged a bond marked as satisfactory by the Judge, by way of security in respect to his trusteeship with the Clerk of the County Court of the county or district in which the stock is located at the time of the sale or intended sale thereof; (thirdly) any trust company carrying on business in Ontario, or any person appointed by the vendor with the consent in writing of his creditors holding claims of not less than 50 per cent. in value of the amount of such claims as shown by the statement (Schedule A);

"Vendor."

- (f) "Vendor" shall mean and include each and every person, firm and corporation owning or claiming to own the stock or any individual share or interest therein.

Purchaser
to procure
written
statement
as to
creditors
of vendor.

3. It shall be the duty of every person who shall bargain for, buy or purchase any stock of goods, wares or merchandise in bulk, for cash or on credit, before closing the purchase of the same and before paying the vendor any part of the purchase price or giving any promissory note or notes or any security for the said purchase price, to demand of and receive from such vendor, and it shall be the duty of each vendor of such goods to furnish a written statement verified by statutory declaration of the vendor or his duly authorized agent, or if the vendor is a corporation by the declaration of the president, vice-president, secretary-treasurer or manager of such corporation, which statement is to contain the names and addresses of all the creditors of the said vendor for an amount exceeding \$50, together with the amounts of the indebtedness or liability due, owing or payable, or accruing, due, or to become due and payable by said vendor to each of said creditors, which said statement may be in the form set forth in Schedule "A" hereto.

When con-
sent of
creditors
required
to sale.

4. If the actual cash paid by the purchaser in connection with any such bargain or purchase, exclusive of all deferred payments, or goods or lands given or conveyed by the purchaser on account of the purchase price paid, is less than the amount of the total indebtedness of the vendor to his creditors, as shown by the said written statement, the purchaser must obtain written consent to such bargain or purchase from

creditors representing at least 60 per cent. in number and amount of the claims against such vendor as shown by said written statement, and any sale made for such purchase price without such written consent shall be fraudulent and void against the creditors of the vendor.

5. Whenever any person shall bargain for or purchase any stock of goods, wares or merchandise in bulk, for cash or on credit, and shall pay any part of the purchase price or execute or deliver to the vendor or to his order, or to any person for his use, any promissory note or other document for or on account of the purchase price of said goods, or any part thereof, without first having demanded and obtained from the vendor, or from his agent, a statutory declaration purporting to be such as is provided for in the last preceding section, then such sale shall be deemed to be fraudulent and shall be void as against the creditors of the vendor, unless all the creditors of the vendor are paid in full out of the proceeds of such sale.

Sale without purchaser procuring statement.

6. Any such purchaser, upon obtaining such statutory declaration, shall either obtain the written waiver from the creditors of the vendor hereinafter referred to, or shall pay the whole of his purchase money or deliver his promissory note or notes or other documents securing the same into the hands of a trustee for distribution pro rata among the creditors of the said vendor, subject to any preferences provided for by law or by previous contract, such distribution shall be made in like manner as moneys are distributed by an assignee under *The Assignments and Preferences Act*, and in making such distribution all creditors' claims shall be proved in like manner, shall be subject to the like contestation and entitled to the like priorities as in the case of a distribution under the said Act, and the creditors, trustee and debtor shall in all respects have the same rights, liabilities and powers as the creditors, assignee and debtor have under the said Act.

Waiver by creditors or application of purchase money to debts of vendor.
Rev. Stat. c. 134.

- (a) The fees of any such trustee shall not exceed 3 per cent. of the total proceeds of such sale which come to his hands, and shall, together with any disbursements made by him, be paid by being deducted out of the moneys to be received by the said creditors, and shall in no event be charged to the debtor;
- Limitation of fees of trustees.

No preference for
creditors.

- (b) From and after the furnishing of the statement and declaration provided for by this Act no preference or priority shall be obtainable by any creditor by attachment, garnishee proceedings contract or otherwise.

Sale void
if waiver
not procured
or purchase
money not
applied as
required
by Act.

7. If such purchaser, upon receiving such statutory declaration, shall fail to observe the requirements of the last preceding section without obtaining the written waiver from creditors hereinafter referred to, then such sale shall be deemed to be fraudulent and shall be void as against the creditors of the vendor, unless all creditors of the vendor are paid in full out of the proceeds of such sale.

What to be
deemed a
sale in
bulk.

8. Any sale or transfer of a stock of goods, wares or merchandise, or part thereof, out of the usual course of business or trade of the vendor, or whenever substantially the entire stock-in-trade of the vendor is sold or conveyed, or whenever an interest in the business or trade of the vendor is sold or conveyed or attempted to be sold and conveyed, such sale, transfer or conveyance shall be deemed "a sale in bulk" within the meaning of this Act; provided, however, that if the vendor produces and delivers to the vendee a written waiver of the provisions of this Act from his creditors, representing 60 per cent. in number and value of the claims as shown by said statutory declaration, then the provisions of this Act shall not apply.

Proviso.

Sales under
judicial
process not
affected.

9. Nothing in this Act contained shall apply to or affect any sale by executors, administrators, liquidators, receivers, assignees for the benefit of creditors or any public official acting under judicial process.

Limitation
of action to
set aside
sale.

10. No action shall be brought or proceedings had or taken to set aside or have declared void any sale in bulk for failure to comply with the provisions of this Act, unless such action is brought within sixty days from the date of any such sale or within sixty days from the date when the creditor attacking such sale first received notice thereof.

Name of Creditors.	Post Office Address.	Nature of Indebtedness.	Amount.	When due.

Or if the vendor is a corporation:

And I make this solemn declaration conscientiously, believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of "The Canada Evidence Act."

A Commissioner.



No. 125.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act to regulate the Purchase, Sale and
Transfer of Stocks of Goods in Bulk.

1st Reading, 29th March, 1916.

Mr. McPHERSON.

TORONTO:
PRINTED BY A. T. WIGGESS,
Printer to the King's Most Excellent Majesty.

BILL

An Act to amend The Marriage Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Marriage Law Amendment Act, 1916.*" Short title.

2. Section 8 of *The Marriage Act* is amended by adding thereto the following subsection:— Rev. Stat. c. 148, s. 8, amended.

(2) The Lieutenant-Governor in Council may make Regulations as to regulations defining the terms and conditions licenses upon which marriage licenses and certificates and certificates shall be furnished.

3. *The Marriage Act* is amended by adding thereto the following section:— Rev. Stat. c. 148, amended.

16a. Notwithstanding anything in this Act contained, if the Registrar-General considers that circumstances justify the issue of a marriage license in any particular case, he may, in his absolute discretion, authorize an issuer of marriage licenses to issue a license upon the production of such evidence as the Registrar-General may deem sufficient. Issue of licenses at discretion of Registrar-General in special cases.

4. The clause lettered *c* in subsection 1 of section 19 of *The Marriage Act* is repealed and the following substituted therefor:— Rev. Stat. c. 148, s. 19, subs. 1, cl. c, repealed.

(c) That one of the parties has, for the space of fifteen days immediately preceding the issue of the license, had his or her usual place of abode within Ontario. Affidavit as residence in Ontario.

5. Subsection 2 of section 19 of *The Marriage Act* is repealed, and the following substituted therefor:— Rev. Stat. c. 148, s. 19, subs. 2, repealed.

Where parties have not resided in locality of marriage for fifteen days.

- (2) If both of the parties have not, for the space of fifteen days immediately preceding the date of the affidavit, had their usual place of abode within Ontario, the license or certificate may be issued upon the applicant proving by the production of copies of a newspaper published in the municipality where the parties have had their usual place of abode, or if there is no such newspaper, a newspaper published as near to such municipality as may be, and containing notice of the intended marriage that such notice has been published once a week for three successive weeks immediately preceding the application for the license or certificate.

Rev. Stat. c. 148, s. 19, subs. 3, repealed.

6. Subsection 3 of section 19 of *The Marriage Act* is repealed, and the following substituted therefor:—

Special action by Registrar-General where publication has not taken place.

- (3) Upon the applicant for a license or certificate stating that no such advertisement, as required by subsection 2, has been published, the issuer or deputy issuer may report the circumstances to the Registrar-General, who, if he is satisfied that the reason for having the marriage solemnized in the place mentioned in the affidavit is not in order to evade due publicity or for any other improper purpose, may in writing authorize the issue of the license or certificate, and in that case, a fee of \$5 shall be paid for such authorization in addition to the usual license fee.

Rev. Stat. c. 148, s. 24, repealed.

7. Section 24 of *The Marriage Act* is repealed and the following substituted therefor:—

Fee for license or certificate.

24. No fee shall be payable for a license or certificate except the sum of \$5, which the issuer of the license or certificate shall be entitled to retain for his own use, but the Lieutenant-Governor in Council may from time to time reduce or increase the sum so payable.

Rev. Stat. c. 148, amended, penalties.

8. *The Marriage Act* is amended by adding thereto the following section:—

Making false statements or reports.

- 38.—(1) Every person who wilfully makes or causes to be made a false statement touching the particulars required to be recorded or reported under this Act, shall incur a penalty of \$50.

- (2) Every person guilty of an act or omission in violation of any provision of this Act, for which no other penalty is provided, shall incur a penalty of \$20. Where no other penalty provided.
- (3) The penalties imposed by this Act shall be recoverable under *The Ontario Summary Convictions Act*. Penalties recoverable under Rev. Stat. c. 90.
- (4) Every prosecution for a penalty imposed by or under the authority of this Act shall be commenced within one year after the act or omission complained of. Limitation of prosecutions.
- (5) Every prosecution for a penalty imposed by or under the authority of this Act shall be conducted by the Crown Attorney of the county or district in which the offence complained of was committed upon his receiving the instructions of the Registrar-General. Prosecutions to be conducted by Crown Attorney.
9. *The Marriage Act* is amended by striking out Form 3, in the Schedule thereto, and substituting therefor the form set out in Schedule "A" to this Act. Rev. Stat. c. 48, schedule Form 3, repealed.

SCHEDULE "A."

Form 3.

PARTICULARS TO BE SUPPLIED BY THE
PERSON SOLEMNIZING THE
MARRIAGE.

REQUIRED BEFORE LICENSE OR CERTIFICATE IS GRANTED BY ISSUER OF MARRIAGE LICENSES BY PROVISION OF
THE MARRIAGE ACT.

126

BRIDEGROOM.		BRIDE.	
Name .....	.....	Name .....	.....
Age .....	.....	Age .....	.....
Residence when married .....	.....	Residence when married .....	.....
Place of Birth .....	.....	Place of Birth .....	.....
Condition in Life .....	.....	Condition in Life .....	.....
Occupation .....	.....	Occupation .....	.....
Religious Denomination .....	.....	Religious Denomination .....	.....
Name of Father .....	.....	Name of Father .....	.....
Maiden Name of Mother .....	.....	Maiden Name of Mother .....	.....
Intended Place of Marriage .....	.....	Intended Place of Marriage .....	.....
City, Town, Village or Township of .....	.....	City, Town, Village or Township of .....	.....
<p>I,, (name of deponent or of the other contracting party) ha, had (my, his, or her) usual place of abode within the Province of Ontario for fifteen days immediately preceding the date of this affidavit.</p> <p>I hereby declare that the facts herein set forth, are true, to the best of my knowledge and belief, and that there is no affinity, consanguinity, prior marriage or other lawful cause or legal impediment to bar or hinder the solemnization of the marriage</p> <p>Sworn before me at, in the County of, this day of 191...</p>		<p>..... (Signature of Deponent.)</p>	
<p>..... (Signature of Issuer)</p>		<p>..... (Signature of Deponent.)</p>	
<p>..... (Signature of Issuer)</p>		<p>..... (Signature of Deponent.)</p>	

No. 126.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act to amend The Marriage Act.

1st Reading, 29th March, 1916.

Mr. HANNA.

TORONTO:
PRINTED BY A. T. WILGESS,
Printer to the King's Most Excellent Majesty.

BILL

An Act to amend The Ontario Railway Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. *The Ontario Railway Act* is amended by adding the following as section 106a:—

Rev. Stat.
c. 185,
amended.

106a.—(1) Electric railways operated on the side of a highway shall at all stopping places fixed by the by-laws or regulations of the company, or by order of the Board, construct on the side of the highway between the tracks and the line of the highway platforms for the use of passengers getting on or off any car of the company, and the company shall not allow any person to get on or off a car except from the side on which the platform is constructed.

(2) Such platforms shall be constructed in accordance with plans and specifications approved of by the Board.

Construc-
tion of
platforms.

No. 127.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act to amend The Ontario Railway
Act.

1st Reading, 30th March, 1916.

Mr. GOODERHAM.

TORONTO:
PRINTED BY A. T. WILKINS,
Printer to the King's Most Excellent Majesty.

BILL

An Act to amend The Highway Travel Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. *The Highway Travel Act* is amended by adding the following as section 9a:—

Rev. Stat.
c. 206, s. 9,
amended.

9a. Where a person travelling or being upon a highway in charge of a vehicle, other than a motor vehicle, or on a bicycle or tricycle, or on horse back or leading a horse, meets or overtakes a street car or a car of an electric railway which is operated in or near the centre of the travelled portion of the highway, he shall not approach nearer than 6 feet from the back of the car on the side on which passengers are getting on or off until such passengers have got on or got safely to the side of the street, as the case may be.

Requirement
when ap-
proaching
standing
car.

No. 128.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act to amend The Highway Travel
Act.

1st Reading, 30th March, 1916.

Mr. GOODERHAM.

TORONTO:
PRINTED BY A. T. WILGESS,
Printer to the King's Most Excellent Majesty.





BILL

An Act to amend The Highway Travel Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. *The Highway Travel Act* is amended by adding the following as section 9a:—

Rev. Stat.
c. 206, s. 9,
amended.

9a. Where a person travelling or being upon a highway in charge of a vehicle, other than a motor vehicle, or on a bicycle or tricycle, or on horse back or leading a horse, meets or overtakes a street car or a car of an electric railway, operated in or near the centre of the travelled portion of the highway  which is stationary for the purpose of taking on or discharging passengers,  he shall not *pass the car or* approach nearer than 6 feet *measured back or forward* from the  rear or front end, as the case may be,  of the car on the side on which passengers are getting on or off until such passengers have got on or got safely to the side of the street, as the case may be.

Requirement
when ap-
proaching
standing
car.

No. 128.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act to amend The Highway Travel
Act.

1st Reading, 30th March, 1916.

*Reprinted as amended by the Municipal
Committee.*

Mr. GOODERHAM.

TORONTO:

PRINTED BY A. T. WHIGGESS,

Printer to the King's Most Excellent Majesty.

No. 129.

1916.

BILL

An Act to amend The Motor Vehicles Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 15 of *The Motor Vehicles Act* is amended by Rev. Stat. c. 207, s. 15. adding after the words "street car" in the first line the amended. words "or a car of an electric railway which is operated in or near the centre of the travelled portion of the highway," and by striking out the words "not pass" in the third line and substituting therefor the words "not approach nearer than 6 feet from the back of".

No. 129.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act to amend The Motor Vehicles
Act.

1st Reading, 30th March, 1916.



Mr. GOODERHAM.

TORONTO:
PRINTED BY A. F. WILGESS,
Printer to the King's Most Excellent Majesty.

BILL

An Act to amend The Motor Vehicles Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 15 of *The Motor Vehicles Act* is amended by Rev. Stat. c. 207, s. 15. adding after the words "street car" in the first line the amended. words "or a car of an electric railway which is operated in or near the centre of the travelled portion of the highway," and by *inserting after* the word "car" in the third line the words "*or approach nearer than 6 feet measured back or forward from the*  rear or front end, as the case may be, of the car. 

No. 129.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act to amend The Motor Vehicles
Act.

1st Reading, 30th March, 1916.

*Reprinted as amended by the Municipal
Committee.*

Mr. GOODERHAM.

TORONTO:
PRINTED BY A. T. WIGGESS,
Printer to the King's Most Excellent Majesty.

BILL

An Act to amend The Municipal Drainage Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 1 of section 77 of *The Municipal Drainage Act* is amended by inserting after the word "work" in the sixth line the words "or to construct a tile drain under the bed of the whole or any portion of such drainage work as ancillary thereto," and by inserting after the word "outlet" in the sixteenth line the words "tile drain".

Rev. Stat.
c. 198, s. 77,
subs. 1.
amended.

No. 130.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act to amend The Municipal Drainage
Act.

1st Reading, 30th March, 1916.

Mr. SUMMAN.

TORONTO:
PRINTED BY A. T. WILGESS,
Printer to the King's Most Excellent Majesty.

BILL

An Act to amend The Statute Law.

1. Section 2 of *The Privy Council Appeals Act* is amended by adding thereto the following subsection:—

Rev. Stat.
c. 54, s. 2,
amended.

(2) The right of appeal conferred by subsection 1 shall not apply to an action or proceeding which does not originate in the Supreme Court.

Appeal confined to matters originating in Supreme Court.

2.—(1) Section 10 of *The Evidence Act* is hereby amended by inserting after the words “either side” in the fourth line thereof the following words, “upon each branch of or issue in an action or proceeding upon which opinion evidence is so entitled to be given.”

Rev. Stat.
c. 76, s. 10,
amended.

Limitation upon opinion evidence.

(2) Section 14 of *The Evidence Act* is amended by inserting after the word “administered” in the fifth line thereof the following words: “while such witness or deponent holds in his hand a copy of the Old or New Testament, or.”

Rev. Stat.
c. 76, s. 14,
amended.

Administering oaths.

3. Section 16 of *The Administration of Justice Expenses Act* is amended by adding thereto the following as subsection 5:—

Rev. Stat.
c. 96, s. 16,
amended.

(5) The distance travelled from the court house to the place where a paper is served or other service performed shall be ascertained by the statutory declaration or affidavit of the sheriff or his bailiff or other officer who actually makes or performs the service.

Proof of distance travelled by sheriff or bailiff to serve, etc.

4. Subsection 1 of section 98 of *The Judicature Act* is amended by inserting after the word “Every” in the first line, the words “local master.”

Rev. Stat.
c. 56, s. 98,
subs. 1,
amended.

Local master a special examiner.

5. *The Statute of Frauds* is amended by adding thereto the following as section 13:—

Rev. Stat.
c. 102,
amended.

Writing required on agreement for payment of commission.

13. No action shall be brought to charge any person for the payment of a commission or other remuneration for the sale of real or personal property unless the agreement upon which such action shall be brought shall be in writing and signed by the party to be charged therewith or some person thereunto by him lawfully authorized.

Rev. Stat. c. 124, s. 23, subs. 8, amended.

- 6.—(1) Subsection 8 of section 23 of *The Registry Act* is amended by adding thereto the following clause:—

Instrument recorded in full in general register.

- (a) An instrument which has been recorded at length in the general register shall not be recorded at length in any other book in the same registry office.

Rev. Stat. c. 124, s. 48, subs. 2, amended.

Particulars of mortgage not registered in full.

- (2) Subsection 2 of section 48 of *The Registry Act* is amended by adding the following words: "the amount secured the rate of interest, the amount and dates of payment set out in the proviso for redemption, the time for which the mortgage is to run and such a description of the land therein mentioned as will readily identify the location."

Fee where mortgage not registered in full.

- (3) Subsection 3 of section 48 of the said Act is amended by substituting \$1.50 for \$1 in the third line.

Rev. Stat. c. 125, s. 5, amended.

7. Section 5 of *The Custody of Documents Act* is amended by adding the following subsection:—

Entry on Abstract Index.

- (4) When any deposit refers to a lot or parcel of land the registrar shall also enter on the Abstract Index against each such lot or parcel in red ink the words, "See Deposit No."

Rev. Stat. c. 135, s. 24, subs. 4, amended.

Mortgages securing bonds.

8. Subsection 4 of section 24 of *The Bills of Sale and Chattel Mortgage Act* is amended by inserting the words "bonds or" before the word "debentures" in the first and second lines of the said subsection.

Rev. Stat. c. 139, s. 4, amended.

Time for filing declaration.

9. Section 4 of *The Partnership Registration Act* is amended by striking out the words "six months" and inserting in lieu thereof the words "one month."

Rev. Stat. c. 186, s. 48, amended.

10. Section 48 of *The Ontario Railway and Municipal Board Act* is amended by adding the following as subsection 6a:—

(6a) To remove doubts, it is hereby declared that sub-section 6 of the said section was not intended to allow, has not heretofore allowed, and does not allow an appeal from a decision of a Divisional Court under the provisions of *The Assessment Act*, and no appeal has heretofore lain nor shall hereafter lie from such a decision to His Majesty In His Privy Council.

Appeal not
to be to
Privy Coun-
cil from
Ontario
Railway
and Muni-
cipal Board.

11. Subsection 5 of section 34 of *The Public Utilities Act* is amended by striking out the words "a city or town" in the first line thereof, and inserting in lieu thereof the words "any municipality."

Rev. Stat.
c. 204, s. 34,
subs. 5,
amended.

12. *The Mortgagors' and Purchasers' Relief Act, 1915*, is amended by adding thereto the following section:—

5 Geo. V.
c. 22,
amended.

13a. The provisions of this Act shall apply to any applications or proceedings which are taken in any court in Ontario, notwithstanding that the lands in question in the action or proceeding are situate without Ontario or the agreement or mortgage or other contract was made and entered into outside Ontario.

Application
of Act.

No. 131.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act to amend the Statute Law.

1st Reading, 31st March, 1915.

Mr. McCREA.

TORONTO:
PRINTED BY A. T. WIGGESS,
Printer to the King's Most Excellent Majesty.

BILL

An Act to amend The Statute Law.



1. Section 14 of *The Evidence Act* is amended by insert-Rev. Stat. c. 76, s. 14, amended.
ing after the word "administered" in the fifth line thereof, the following words: "while such witness or deponent holds Administering oaths.
in his hand a copy of the Old or New Testament, or."

2. Section 16 of *The Administration of Justice Expenses Act* is amended by adding thereto the following as subsection Rev. Stat. c. 96, s. 16, amended.
5:—

(5) The distance travelled from the court house to the Proof of distance travelled by sheriff or bailiff to serve, etc.
place where a paper is served or other service performed shall be ascertained by the statutory declaration or affidavit of the sheriff or his bailiff or other officer who actually makes or performs the service.

3. *The Statute of Frauds* is amended by adding thereto Rev. Stat. c. 102, amended.
the following as section 13:—

13.—(1) No action shall be brought to charge any per- Writing required on agreement for payment of commission.
son for the payment of a commission or other remuneration for the sale of real property unless the agreement upon which such action shall be brought shall be in writing and signed by the party to be charged therewith or some person thereunto by him lawfully authorized.

 (2) This section shall come into force on the 1st day of January, 1917. 

4. Subsection 2 of section 48 of *The Registry Act* is Rev. Stat. c. 124, s. 48, subs. 2, amended.
amended by adding the following words: "the amount secured the rate of interest, the amount and dates of payment set out in the proviso for redemption, the time for which the mortgage is to run and such a description of the land therein mentioned as will readily identify the location." Particulars of mortgage not registered in full.

Rev. Stat.
c. 125, s. 5,
amended.

5. Section 5 of *The Custody of Documents Act* is amended by adding the following subsection:—

Entry on
Abstract
Index.

- (4) When any deposit refers to a lot or parcel of land the registrar shall also enter on the Abstract Index against each such lot or parcel in red ink the words, "See Deposit No."

Rev. Stat.
c. 135, s. 24,
subs. 4,
amended.

6. Subsection 4 of section 24 of *The Bills of Sale and Chattel Mortgage Act* is amended by inserting the words "bonds or" before the word "debentures" in the first and second lines of the said subsection.

Mortgages
securing
bonds.

Rev. Stat.
c. 186, s. 48,
amended.

7. Section 48 of *The Ontario Railway and Municipal Board Act* is amended by adding the following as subsection 6a:—

Appeal not
to be to
Privy Coun-
cil from
Ontario
Railway
and Muni-
cipal Board.

- (6a) To remove doubts, it is hereby declared that subsection 6 of the said section was not intended to allow, has not heretofore allowed, and does not allow an appeal from a decision of a Divisional Court under the provisions of *The Assessment Act*, and no appeal has heretofore lain nor shall hereafter lie from such a decision to His Majesty In His Privy Council.

8. Subsection 1 of section 34 of *The Public Utilities Act* is amended by inserting after the word "works" in the fourth line the words "and the Council of a township corporation which has entered into a contract with the Hydro-Electric Power Commission of Ontario for the supply of electrical power or energy in the township" and by adding after the word "municipality" in the last line but one the words "or in the case of such township the Hydro-Electric Commission of the Township of (naming the township)."



5 Geo. V,
c. 22,
amended.

9. *The Mortgagors' and Purchasers' Relief Act, 1915*, is amended by adding thereto the following section:—

Application
of Act.

- 13a. The provisions of this Act shall apply to any actions or proceedings which are taken in any court in Ontario, notwithstanding that the lands in question in the action or proceeding are situate without Ontario or the agreement or mortgage or other contract was made and entered into outside Ontario.

10. Section 15 of *The Police Magistrates' Act* is amended by adding thereto the following subsection:—

 (2) Notwithstanding anything in this Act contained any Police Magistrate may issue a search warrant to be executed in any part of the county for which or for a part of which he is Police Magistrate, except a city to which his jurisdiction does not extend, notwithstanding that the place in which such search warrant is executed is within the jurisdiction of another Police Magistrate. 

No. 131.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act to amend the Statute Law.

1-1 Reading, 31st March, 1915.

*(Reprinted as amended by the Legal
Committee.)*

Mr. McCrea.

TORONTO:
PRINTED BY A. J. WIGGESS,
Printer to the King's Most Excellent Majesty

No. 132.

1916.

BILL

An Act to amend The Municipal Act.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:—

Clauses 5 and 6 of section 406 of *The Municipal Act* are hereby repealed and hereby re-enacted as clauses 51 and 52 respectively of section 400 of *The Municipal Act*.

Rev. Stat.
c. 192, s. 406,
clauses 5
and 6,
amended.

No. 132.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act to amend The Municipal Act.

1st Reading, 31st March, 1916.

Mr. MUSGROVE
(Niagara Falls).

TORONTO:
PRINTED BY A. T. WHIGGERS,
Printer to the King's Most Excellent Majesty.

No. 133.

1916.

BILL

An Act to amend The Law Society Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The grants of \$5000 to the Canadian Patriotic Fund, Grants to
\$500 to the British Red Cross Society, and \$500 to the certain
Belgian Lawyers' Relief Fund made by the Law Society of funds
Upper Canada are declared to be and to have been legal and legalized.
valid and within the competence of the Law Society of Upper
Canada.

No. 133.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act to amend The Law Society Act.

1st Reading, 31st March, 1916.

Mr. Lucas.

TORONTO:
PRINTED BY A. T. WILKINS,
Printer to the King's Most Excellent Majesty.

BILL

An Act to amend The University Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 32 of *The University Act* is amended by adding thereto the following clause:—

Rev. Stat.
c. 279, s. 32,
amended.

(u) borrow from time to time from any bank or lender on such terms as may be agreed on such sums of money as may be required for the purposes of the University and University College.

Borrowing
by board
from bank
or lender.

(i) The total sum to be so borrowed and remaining unpaid at any one time shall not exceed \$250,000.

Limits of
amount.

(ii) A bank or lender shall not be bound to inquire as to the necessity for borrowing, but where any loan is made, it shall be deemed to have been lawfully made under the authority of this section.

Lender not
required
to inquire
as to neces-
sity for
loan.

2. This Act shall take effect as from the 14th day of May, 1906.

Act retro-
active.

No. 134.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act to amend The University Act.

1st Reading, 31st March, 1916.

Mr. Lucas.

TORONTO:
PRINTED BY A. T. WILGESS,
Printer to the King's Most Excellent Majesty.

BILL

An Act to amend The Mortgagors' and Purchasers' Relief Act.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:—

1. Subsection 1 of section 4 of *The Mortgagors' and Pur-* 5 Geo. V.
c. 22, s. 4,
subs. 1,
amended.
chasers' Relief Act, 1915, is amended by adding after the
figures "1914" in the fourth line the words "where such
mortgage extension or renewal is for not less than three years
and the rate of interest provided in the original mortgage
is not increased by such extension or renewal," and the said Application
of Act
as to re-
newal of
mortgages.
subsection shall be read and construed as if it had been orig-
inally enacted as hereby amended.

No. 135.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act to amend The Mortgagees' and
Purchasers' Relief Act.

1st Reading, 31st March, 1916.



Mr. MACHIN.



TORONTO:
PRINTED BY A. T. WILKES,
Printer to the King's Most Excellent Majesty.

BILL

An Act to amend The Mortgagors' and Purchasers' Relief Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

 1. Subsection 1 of section 4 of *The Mortgagors' and Purchasers' Relief Act* is amended by striking out all the words after the word "mortgage" in the third line, down to and inclusive of the figures "1914" in the fifth line and by substituting therefor the following:—

 "made or entered into after the 4th day of August, 1914, or to any extension or renewal made or entered into after the 4th day of August, 1914, of a mortgage made or entered into prior to that date where such extension or renewal is for not less than three years, and the rate of interest provided for in the original mortgage is not increased by such extension or renewal."

No. 135.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act to amend The Mortgagees' and
Purchasers' Relief Act.

1st Reading, 31st March, 1916.

*(Reprinted as amended by the Legal
Committee.)*

Mr. MACHIN.

TORONTO:
PRINTED BY A. T. WILGESS,
Printer to the King's Most Excellent Majesty.

BILL

The Statute Law Amendment Act, 1916.

1. Section 5 of *The Department of Agriculture Act* is amended by striking out the clauses *e*, *f*, *g*, and *h*, therein. Rev. Stat. c. 45, s. 5, cls. e, f, g, h, repealed.

2. *The Department of Agriculture Act* is amended by inserting therein the following section:— Rev. Stat. c. 45, amended.

6a. Where any work of the Department is carried on elsewhere than at the seat of Government the Minister may appoint such officers, clerks, servants and labourers as he may deem necessary, and may fix their salaries or other remuneration and the appropriation against which the same shall be charged, and such salary or other remuneration shall be payable out of such appropriation accordingly. Appointment and payment of outside service.

3.—(1) Section 3 of *The Agricultural Associations' Act* is amended by adding at the end thereof the words:— Rev. Stat. c. 46, s. 3, amended.

“Ontario Swine Breeders' Association, Western Ontario Seed Growers' Association, and such other associations, societies, institutes, or organizations as may be designated by the Lieutenant-Governor in Council.” Would be deemed agricultural associations.

(2) Subsection 1 of section 23 of *The Agricultural Associations' Act* is amended by inserting after the word “of” where it first occurs in the first line, the words “Board of Agriculture.” Rev. Stat. c. 46, s. 23, subs. 1, amended.

(3) Subsection 2 of the said section 23 is amended by inserting before the words “Farmers' Institutes” in the third line, the words “Boards of Agriculture.” Ib. subs. 2.

Rev. Stat.
c. 56, s. 77a,
subs. 1,
amended.
(4 Geo. V,
c. 21, s. 15.)
Appoint-
ment of
deputy by
surrogate
registrar.

4. Subsection 1 of section 77a of *The Judicature Act* as enacted by section 15 of *The Statute Law Amendment Act, 1914*, is amended by inserting the words "Surrogate Registrar" after the words "Deputy Clerk of the Crown" where they occur in the said subsection.

Rev. Stat.
c. 58, s. 5,
amended.
Junior
judge in
Temiskam-
ing.

5. Subsection 3 of section 5 of *The County Judges' Act* is amended by inserting after the word "Nipissing" at the end of the last line but one, the word "Temiskaming."

Rev. Stat.
c. 59, s. 42,
amended.

6.—(1) Section 42 of *The County Courts Act* is amended by adding to it the following subsection:—

Certifying
pleadings
on appeal.

(3) Where the Judge has resigned or died or is for any reason unable to act, the proceedings may be certified by the clerk or in such other manner and by such other person as may be directed by a Judge of the Appellate Division.

Rev. Stat.
c. 59, s. 44,
subs. 1,
amended.
Setting
down
appeals.

(2) Subsection 1 of section 44 of *The County Courts Act* is amended by inserting before the words "The appeal" in the first line, the words "subject to Rules of Court."

Rev. Stat.
c. 64, s. 90,
subs. 4,
repealed.

7. Subsection 4 of section 90 of *The Jurors Act* is repealed and the following substituted therefor:—

When
jurors may
be paid
although at
tendance
not re-
quired.

(4) Where petit jurors are in attendance at the court and are informed by the presiding judge that their attendance will not be required for one or more days, or where a grand jury adjourns for a period of one or more days, the jurors shall be paid for the first and second days of such period during which they are absent, but jurors who reside in the county town shall not be entitled to be paid for a Sunday.

Rev. Stat.
c. 87, s. 11,
amended.

8. Section 11 of *The Justices of the Peace Act* is amended by adding thereto the following subsection:—

Property
qualifica-
tion in
districts.

(3) Where any person is appointed a Justice of the Peace for a Territorial District, or for any part of a Territorial District, it shall only be necessary for him to possess such property qualification, if any, as may be provided in the commission appointing him.

Application
of section
retroactive.

(4) Subsection 3 shall apply in the case of any commission issued after the eighteenth day of March, 1910.

9.—(1) Section 14 of *The Administration of Justice Expenses Act* is repealed and the following substituted therefor:—

14. Where services are rendered by any person in connection with a criminal trial or proceeding, and such services are rendered by the direction or with the approval of the Attorney-General, the person by whom they are rendered shall be entitled to be paid such sum as the Attorney-General may direct, and the same shall be charged upon and be paid out of the Consolidated Revenue Fund.

(2) *The Administration of Justice Expenses Act* is amended by adding thereto the following as section 15a:—

The crown attorney may employ an interpreter in any criminal cause or investigation or at a coroner's inquest, and the interpreter shall be paid such amount as the crown attorney may certify to be reasonable, and the same shall be allowed to the interpreter in the account in respect of the administration of justice and shall be payable by the county.

10. *The Conditional Sales Act* is amended by adding thereto the following section:—

- 9a. Where the goods are in or upon premises with respect to which rent is in arrears, the landlord or other person exercising the right of distress, shall have the right to take the goods upon payment to the seller or lender or other person claiming, through or under him of the amount owing thereon.

11. Subsection 4 of section 178 of *The Ontario Insurance Act* is repealed and the following substituted therefor:—

- (4) Where it is stated in the contract or declaration that the insurance money or any part of it is for the benefit of the wife only and she is designated by name, and the wife so designated by name is not the wife living at the maturity of the contract, such insurance money or part of it shall be for the benefit in equal shares of the wife living at the maturity of the contract and the children of the assured and also the children living at the maturity of the contract of any child of the assured who predeceased him, such last mentioned children taking the share their parent would have taken if living.

Rev. Stat.
c. 186, s. 26,
amended.

12.—(1) Section 26 of *The Ontario Railway and Municipal Board Act* is amended by striking out the word “was” in the fourth line and substituting therefor the word “has.”

Rev. Stat.
c. 186, s. 27,
amended.

(2) Section 27 of *The Ontario Railway and Municipal Board Act* is amended by striking out the words “in like case and” in the second line, and substituting therefor the words “respecting any public utility.”

Rev. Stat.
c. 192, s. 253,
subs. 4,
amended.

13.—(1) Subsection 4 of section 253 of *The Municipal Act* is amended by inserting at the commencement thereof the words:—

“Subject to the provisions of *The Theatres and Cinematographs Act.*”

Rev. Stat.
c. 192, s. 420,
subs. 3,
amended.

(2) Subsection 3 of section 420 of *The Municipal Act* is amended by inserting after the word “licensing” in the first line thereof the words:—

“Subject to the provisions of *The Theatres and Cinematographs Act.*”

Rev. Stat.
c. 223, subs.
1, s. 5,
repealed.

14. Subsection 1 of section 5 of *The Dairy Products Act* is repealed and the following substituted therefor:—

Qualifica-
tion of
chief
maker in
creameries
and cheese
factories.

(1) A person who does not hold a certificate of qualification shall not act or be allowed to act as chief maker in any creamery or cheese factory and a person who does not hold a certificate of qualification to correctly operate the Babcock test shall not be allowed to operate a milk or cream buying station or other premises where milk or cream are collected for sale or shipment.

Ib. subs. 3,
amended.

Issuing
permits.

(2) Subsection 3 of the said section is amended by inserting after the word “schools” in the second line, the words “and a chief dairy instructor and the director of dairying.”

Ib. s. 5,
amended.

(3) The said section 5 is amended by adding thereto the following subsection:—

Cancellation
of
certificate
by minister.

(4) The Minister may, on the recommendation or report of a chief dairy instructor and director of dairying, cancel any certificate on the ground that the holder thereof is not performing his duties satisfactorily.

15. Section 9 of *The Theatres and Cinematographs Act* as amended by 4 George V., chapter 21, section 53, is amended by inserting after the words "Treasurer of Ontario" the words "nor shall a municipal corporation refuse a license to any holder of a Provincial license," and by inserting after the word "issue" in the sixth line thereof the words "or refusal."

Rev. Stat.
c. 236, s. 2,
amended.
(4 Geo. V.,
c. 21, s. 53).

16. Section 3 of *The Bee Protection Act* is amended by striking out the figures "\$1" in the second line and inserting in lieu thereof the figures "\$5."

Rev. Stat.
c. 257, s. 3,
amended.
Penalty.

17.—(1) Section 5 of *The Foul Brood Act* is amended by striking out the word "knowingly" at the end of the second line thereof.

Rev. Stat.
c. 258, s. 5,
amended.
Disposing of
infected
bees, etc.

(2) *The Foul Brood Act* is amended by adding thereto the following section:—

Rev. Stat.
c. 258,
amended.

11a.—(1) Every person, before importing bees on combs into Ontario, shall make application to the Minister of Agriculture for a permit so to do.

Permit re-
quired for
importation
of bees on
comb.

(2) The application shall be in writing, and shall be accompanied by a certificate of inspection of the proper official of the Province or country from which the importation is to be made, to the effect that the apiary or apiaries from which the bees on combs are to be imported have been thoroughly inspected not more than one month previous, and are believed to be free from injurious bee diseases.

Conditions
on which
permit
granted.

(3) Every person who imports or offers for entry into Ontario any consignment of bees on combs without first having obtained such permit shall be guilty of an offence and shall incur a penalty of not less than \$25 and not more than \$50.

Penalty.

(4) A transportation company, common carrier or other person shall not accept for transportation into Ontario, nor deliver to any consignee in Ontario, any consignment of bees on combs which is not accompanied by a permit from the Minister for the importation of the consignment, and no such transportation company, common carrier or other person shall be liable for damages to the consignee or the consignor for refusing to receive, transport, or deliver such consignment when not accompanied by the permit.

Common
carriers,
etc., not to
bring in
bees on
comb un-
accompanied
by permit.

Penalty.

- (5) Every transportation company, common carrier, or other person guilty of a contravention of subsection 4 shall incur a penalty of not less than \$25 nor more than \$50.

Rev. Stat.
c. 271, s. 2,
amended.

Judge of
juvenile
court.

- 18.** Section 2 of *The Industrial Schools Act* is amended by adding after the word "Court" in the second line of the definition of "Judge," the words "the Judge of a Juvenile Court."

Rev. Stat.
c. 280, s. 14,
amended.

Temporary
use of
permanent
fund.

- 19.** Section 14 of *The Upper Canada College Act* is amended by striking out the figures "\$30,000" in the second line, and inserting in lieu thereof the figures "\$100,000," and this amendment shall have effect as from the twentieth day of April, 1900.

Rev. Stat.
c. 281, s. 7,
repealed.

- 20.** Section 7 of *The Agricultural College Act* is repealed and the following substituted therefor:—

Appoint-
ment of
president
and staff.

- 7.—(1) The Lieutenant-Governor in Council, upon the recommendation of the Minister of Agriculture, may appoint a president, professors, lecturers, and other members of the teaching or executive staff, and prescribe their respective duties.

Appoint-
ment of
officers,
labourers,
servants,
etc., by
president.

- (2) The president, subject to the approval of the Minister, may appoint such other officers, labourers, or servants as may be deemed necessary for the efficient working of the College and farm.

4 Geo. V.
c. 21, s. 69,
extended.

- 21.** Section 69 of *The Statute Law Amendment Act, 1914*, shall apply and extend to services rendered and expenses incurred since the enactment of the said section, and nothing in *The Legislative Assembly Act* shall render ineligible any member of the Assembly or disqualify him from sitting and voting in the Assembly, by reason of his being a member of the Commission known as "The Highways Commission" or by reason of his receiving the allowance and expenses above mentioned.

5 Geo. V.
c. 22, con-
tinued in
force.

- 22.** Notwithstanding anything contained in section 14 of *The Mortgagees' and Purchasers' Relief Act, 1915*, all the other provisions of the said Act shall continue in force and have effect until the expiration of thirty days from the close of the next session of the Legislature to be held hereafter.

5 Geo. V.
c. 23, s. 6,
amended.

- 23.** Section 6 of *The Charities Accounting Act, 1915*, is amended by adding after the clause lettered *k*, at the end of the said section, the following clause:—

- (l) Appointing an executor or trustee in place of any executor or trustee who has died, or has ceased to act, or has been removed, or has gone out of Ontario, notwithstanding that the will or other instrument creating the trust confers the power to make such an appointment upon another executor or trustee or upon any other person.

24. Subsection 1 of section 21 of *The Ontario Medical Act* ^{5 Geo. V, c. 27, s. 21,} as enacted by *The Ontario Medical Amendment Act, 1915*, is amended by striking out the words "Register of Great Britain" where they occur in the said subsection and substituting the words "The Register of the United Kingdom" ^{Admitting practitioners on register of United Kingdom.} therefor.

No. 136.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

The Statute Law Amendment Act, 1916.

1st Reading, 31st March, 1916.

Mr. Lucas.

TORONTO:
PRINTED BY A. T. WIGGESS,
Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the Central Provincial Committee of The Military Hospitals Commission, known as "The Soldiers' Aid Commission of Ontario."

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Soldiers' Aid Commission Act*. Short title.

2. Subject to the provisions hereinafter contained, the Order-in-Council approved by His Honour the Lieutenant Governor on the 10th day of November, A.D. 1915, providing for the issue of a Commission, appointing William David McPherson, King's Counsel; John B. Laidlaw, Robert J. Christie, William Banks, the Honourable George Gordon, Senator; Kenneth W. McKay, William F. Nickle, King's Counsel; George Lynch Staunton, King's Counsel; Ernest J. Henderson and W. L. Best, Commissioners to constitute a Central Provincial Committee and a branch sub-committee of The Military Hospitals Commission, which Order-in-Council is set out as Schedule "A" to this Act, is confirmed and declared to be and to have been legal and valid to all intents and purposes. Order-in-council appointing Central Provincial Committee confirmed.

3. The Commissioners so appointed to constitute a Central Provincial Committee and a branch sub-committee of The Military Hospitals Commission, may be known as The Soldiers' Aid Commission, hereinafter called The Commission. Commissioners to be known as Soldiers' Aid Commission.

4. Notwithstanding anything in the said Order-in-Council contained, the Commission may exercise the like powers with respect to, and may grant the same assistance to, members of His Majesty's Imperial Forces, who as Reservists, and while resident in Canada, were called upon to serve in Powers of commissioners.

the Imperial Forces, or who left Canada for the purpose of enlisting and did enlist in the Imperial Forces to serve therein during the war, as the Commission may grant to members of the Canadian Expeditionary Forces under the terms of the Order-in-Council hereby confirmed, and the like assistance may be granted to any person who, after enlistment in Canada for service in the war, and before going over-seas, has been discharged on account of wounds, injury or disease incurred or contracted while on active service.

Adding
members
to com-
mission.

5. The Lieutenant-Governor in Council may add such persons from time to time as Commissioners as he may deem advisable, or may appoint a Commissioner in place of any Commissioner dying or retiring or becoming incapable to act.

Appoint-
ment of
office staff
of commis-
sion.

6. The Commission may appoint such officers, clerks, servants and agents as may be deemed necessary and expedient for carrying out the work of the Commission, and their salaries, wages, fees, or other remuneration, and all other costs, charges and expenses incurred by the Commission, shall be payable out of such moneys as may be appropriated from time to time by the Legislature for the purposes of the Commission.

Aid to be
extended to
soldiers re-
turning
after the
war.

7. Notwithstanding anything in the said Order-in-Council contained, the Commission shall have and may exercise the like powers and perform the like services with respect to any of the classes of persons mentioned in section 4 returning after the war, as it may do with respect to those returning during the war.

Services
to be
honorary

8. The Commissioners shall serve without remuneration, but may be paid their travelling expenses and other necessary disbursements as part of the expenses of the Commission, and the receiving of such expenses and disbursements by any member of the Commission shall not render him ineligible as a member of the Assembly, or disqualify or render him liable to any penalty for sitting and voting therein, anything in *The Legislative Assembly Act* to the contrary notwithstanding.

Rev. Stat.
c. 11.

Arrange-
ments for
technical
instruction
of incapacitated sol-
diers

9. The Commission acting as a Central Provincial Committee and a branch sub-committee of The Military Hospitals Commission, may enter into arrangements with the Department of Education of Ontario, or with any educational authority, or institution for providing instruction of any kind, including technical and industrial instruction for those of the classes of persons mentioned in section 4, who, as a

result of wounds, disease, or other injury sustained during the period of enlistment, are unable to return to the pursuit of their former calling or occupation.

10. The Lieutenant-Governor in Council may confer such further powers and impose such further duties upon the Commission with respect to soldiers returning to Ontario during or after the war with a view to securing their well-being in such manner as may be deemed advisable.

SCHEDULE "A."

Copy of an Order-in-Council approved by His Honour the Lieutenant-Governor the 10th day of November, A.D. 1915.

Upon the recommendation of the Honourable the Provincial Secretary, the Committee of Council advise that a Commission be issued appointing William David McPherson, K.C., M.L.A., and John B. Laidlaw, Robert J. Christie, and William Banks, Esquires, Toronto; the Honourable George Gordon, North Bay; Senator Kenneth W. McKay, St. Thomas, County Clerk; William F. Nickle, K.C., M.P., Kingston; George Lynch Staunton, K.C., Hamilton; Ernest J. Henderson, Windsor, Esquire; and W. L. Best, Ottawa, Esquire, Commissioners to constitute a Central Provincial Committee and a Branch Sub-Committee of The Military Hospitals Commission to take care of and to find employment for members of the Canadian Expeditionary Force who return to Canada during the period of the War, and to assist, advise and co-operate with the said The Military Hospitals Commission, and with all Provincial or local committees or organizations to attain the aforesaid objects, and to do all things which may be incidental and ancillary to the foregoing; the said William David McPherson to be *ex-officio* a Member of the said The Military Hospitals Commission, and to be Chairman of the said Commission, and Charles Norris Cochrane, Toronto, Esquire, to be Secretary thereof.

Certified.

(Sgd.) J. LONSDALE CAPREOL.

Clerk, Executive Council.

No. 137.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act respecting the Central Provincial
Committee of The Military Hospitals
Commission, known as "The
Soldiers' Aid Commission
of Ontario.

1st Reading, 31st March, 1916.

Mr. HEARST.

TORONTO:
PRINTED BY A. T. WILGESS,
Printer to the King's Most Excellent Majesty.

BILL

An Act to amend The Mechanics' and Wage Earners' Lien Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 33 of *The Mechanics' and Wage Earners' Lien Act* is repealed and the following substituted therefor:— Rev. Stat. c. 140, s. 33, repealed.

33. The action shall be tried in the County of York before the Master in Ordinary or the Assistant Master in Ordinary, and outside of the County of York, before a judge of the county or district court of the county or district in which the land is situate. Who may try action to enforce lien.

2. Section 34 of *The Mechanics' and Wage Earners' Lien Act* is repealed and the following substituted therefor:— Rev. Stat. c. 140, s. 34, repealed.

34. The Master in Ordinary, Assistant Master in Ordinary and the County or District Judge in addition to their ordinary powers shall have all the jurisdiction, powers and authority of the Supreme Court to try and completely dispose of the action and questions arising therein. Powers of officers in trial of action.

3. Section 41 of *The Mechanics' and Wage Earners' Lien Act* is repealed and the following substituted therefor:— Rev. Stat. c. 140, s. 41, repealed.

41. No fees in stamps or money shall be payable to any Judge or other officer in any action brought to realize a lien under this Act, nor on any filing, order, record or judgment or other proceeding in such action excepting that every person other than a wage earner shall on filing his statement of claim where he is plaintiff, or on filing his claim where he is not a plaintiff, pay in stamps \$1 on every \$100 or fraction of \$100 of the amount of his claim up to \$1,000, and \$1 on every \$1,000 or fraction of \$1,000 of the amount of his claim over \$1,000. Limit of charges in fees or stamps.

No. 138.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act to amend 'The Mechanics' and
Wage Earners' Lien Act.

1st Reading, 4th April, 1916.

Mr. Lucas.

TORONTO:
PRINTED BY A. T. WIGGESS,
Printer to the King's Most Excellent Majesty

BILL

An Act respecting the Custody of Certain Records.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Supreme Court of Ontario or a Judge thereof may upon the application of the Provincial Archivist and upon such terms and conditions as may be thought fit, order that the records, papers and documents mentioned in the Schedule to this Act, now in the custody of the Supreme Court at Osgoode Hall, shall be delivered by the Registrar of the Supreme Court to the said Provincial Archivist for the purpose of being calendered and kept in the Ontario Bureau of Archives.

Order for transfer of records from Osgoode Hall to office of Provincial Archivist.

2. The description and date of all Records, papers and documents the delivery of which is desired shall be set forth in a list thereof to be produced to the Court or Judge on the application for the Order.

List of documents to be produced on application.

3. A receipt of all Records, papers and documents received by the Provincial Archivist shall be signed by him and delivered to the Registrar of the Supreme Court, who shall file the same in his office.

Receipt to be given by archivist.

SCHEDULE.

(a) The Rolls of Barristers, Attorneys, and Solicitors for the Province of Ontario from the year 1794 A.D. to the year 1880 A.D., inclusive.

(b) The Rolls of Judges for the Province of Ontario down to and inclusive of the year 1885 A.D.

(c) Such other Records, papers and documents down to and inclusive of the year 1867 as the Court or Judge may think proper.

No. 139.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act respecting the Custody of Certain
Records.

1st Reading, 4th April, 1916.

Mr. Lucas.

TORONTO:
PRINTED BY A. T. WIGGESS,
Printer to the King's Most Excellent Majesty.

BILL

An Act to amend The Ontario Telephone Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Ontario Telephone Amendment Act, 1916.* Short title.

2. Subsection 10 of section 17 of *The Ontario Telephone Act* is amended by adding after the word “along” in the third line the words “or adjacent to” and by adding after the word “duplicate” in the ninth line the words “or as the Board may determine should be purchased.” Rev. Stat. c. 188, s. 17, subs. 10, amended.

3. Section 17 of the said Act is further amended by adding the following subsection:— Rev. Stat. c. 188, s. 17, amended.

(11a) In fixing the price to be offered or the compensation to be made where part only of a telephone system is proposed to be purchased or expropriated, there shall be included in such price or compensation as the case may be a sum sufficient to compensate the owner of such system for any damages directly resulting from severance. Damages resulting from severance.

4. Subsection 12 of section 17 is amended by striking out the word “three” in the first line and substituting therefor the word “four.” Rev. Stat. c. 188, s. 17, subs. 12, amended.

5. Section 26 of the said Act is amended by adding the following subsection:— Rev. Stat. c. 188, s. 26, amended.

Repairs to equipment operated but not owned by company.

- (2a) Where the telephone or other equipment operated in connection with the system of any company is not the property of such company, the owner of such telephone or other equipment shall keep and maintain the same in proper working order, and so as not to impair the efficient operation of said system, and in case such owner fails to do so the company by its servants or agents may at all reasonable times and upon reasonable notice given or request made enter in and upon the premises upon which such telephone or other equipment is situate for the purpose of inspecting and repairing, and where necessary may repair the same, and the company may collect the cost of the repairs so made from the owner of such telephone or other equipment in like manner and with the like remedies as it may collect telephone rates.

Rev. Stat. c. 188, s. 26, subs. 6, amended.

6. Subsection 6 of section 26 of the said Act, as amended by section 10 of chapter 33 of the Acts passed in the 5th year of the reign of His Majesty King George the Fifth, is amended by adding after the word "along" where it first occurs therein the words "or adjacent to and parallel with."

5 Geo. V. c. 33, s. 21, amended.

7. Subsection 1 of section 38 of the said Act, enacted by section 21 of chapter 33 of the Acts passed in the 5th year of the reign of His Majesty King George the Fifth, is amended by adding after the word "service" in the sixth line the words "to the members or partners of such unincorporated company, association or partnership or any of them or" and by adding after the word "service" in the fourteenth line the words "to themselves or any of them or."

Rev. Stat. c. 188, amended.

8. The said Act is further amended by adding the following sections:—

Maintenance of depreciation fund.

- 32a.—(1) Every telephone company shall out of earnings provide and maintain a proper and adequate depreciation fund whenever the Board shall, after enquiry, determine that such depreciation fund is reasonably necessary, and the Board on such enquiry shall ascertain and determine what is the proper and adequate rate of depreciation of the property of each such company; provided that the Board may make changes in such rate of depreciation from time to time as it may find necessary.

- (2) The moneys carried to the credit of the depreciation fund shall be deposited in a chartered bank at interest and may, with the approval of the Board, be expended in new constructions or extensions or additions to the property of the company, or with the like approval may be invested in interest bearing securities; and all interest accruing from any portion of the depreciation fund so deposited or invested, and such portion of the earnings fixed by the Board as attributable to the moneys so expended in new constructions, extensions or additions, shall from time to time be carried to the credit of the said fund.

- 38a. A company shall not issue stock, bonds, notes or other evidence of indebtedness payable at periods of more than twelve months after the date thereof, until it shall have obtained from the Board an order authorizing such issue and the amount thereof, and stating the purposes to which the issue or proceeds thereof are to be applied, and that in the opinion of the Board, the money, property or labor to be procured or paid for by the issue of such stock, bonds, notes or other evidence of indebtedness, is or has been reasonably required for the purposes specified in the order.
- Approval
of board to
issue of
stock,
bonds,
notes, etc.

No. 140.

2nd Session, 14th Legislature,
6 George V. 1916.

BILL.

An Act to amend The Ontario Telephone
Act.

1st Reading, April 4th, 1916.

Mr. LUOGAS.

TORONTO:
PRINTED BY A. T. WILGESS,
Printer to the King's Most Excellent Majesty.

No. 141.

1916.

BILL

An Act to amend The Act to authorize and confirm Grants by Municipal Corporations for Patriotic Purposes.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 1 of the Act to Authorize and Confirm Grants⁵ by Municipal Corporations for Patriotic Purposes, is^{G.O. V, c. 37, s. 1, amended.} amended by adding after the word "Corporation" in the first line the words "Public, Separate, High School and Collegiate Institutes Boards."

No. 141.

**2nd Session, 14th Legislature,
6 George V, 1916.**

BILL.

**An Act to amend the Act to authorize and
confirm Grants by Municipal Corpora-
tions for Patriotic Purposes.**

1st Reading, April 4th, 1916.

Mr. PROUDFOOT.

TORONTO:
PRINTED BY A. T. WIGGESS,
Printer to the King's Most Excellent Majesty.

BILL

An Act to amend The Provincial War Tax Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 6 of *The Provincial War Tax Act, 1915*, is amended by adding thereto the following subsection:— 5 Geo. V.
c. 3, s. 6,
amended.

(3) All sums of money due the Treasurer of Ontario under this Act and remaining unpaid for fifteen days after the 31st of December in each year shall bear interest at the rate of six per cent. per annum. Arrears of
tax to bear
interest.

2. Subsection (1) of section 9 of *The Provincial War Tax Act, 1915*, is amended by inserting after the word “forth- 5 Geo. V.
c. 3, subs.
1 of s. 9,
amended. with” in the second line the words, “and from time to time,” and by inserting after the word “may” in the second line the words, “each year.”

No. 142.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act to amend The Provincial War
Tax Act.

1st Reading, 4th April, 1916.

Mr. McGARRY.

TORONTO:
PRINTED BY A. T. WIGGESS,
Printer to the King's Most Excellent Majesty.

BILL

An Act to amend The Wolf Bounty Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 2 of *The Wolf Bounty Act* is amended by striking out clause (c). Rev. Stat.
c. 264, s. 2,
amended.
2. Section 4 of the said Act is amended by striking out the figures "\$15" where they occur in the fourth line thereof and substituting therefor the figures "\$5," and by adding at the end thereof "and \$10 additional if such wolf is a grey timber wolf." Rev. Stat.
c. 264, s. 4,
amended.
Amount of
bounty.
3. Section 5 of the said Act is amended by striking out of the third and fourth lines the words "the sum of \$6 on every bounty of \$15," and by substituting in lieu thereof the words "forty per cent. of the sum." Rev. Stat.
c. 264, s. 5,
amended.
Amount to
be recouped
by prov-
ince.
4. Subsection 3 of section 6 of the said Act is amended by striking out the words "the sum of \$15" where they occur in the sixth line thereof and by adding at the end of said subsection the words "the sum of \$5, and \$10 additional if such wolf is a grey timber wolf." Rev. Stat.
c. 264, s. 6,
subs. 3,
amended
Provisional
judicial
districts

No. 143.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act to amend The Wolf Bounty Act.

1st Reading, 4th April, 1916.

Mr. McGARRY.

TORONTO:
PRINTED BY A. T. WILGESS,
Printer to the King's Most Excellent Majesty.

BILL

An Act to amend The Tile Drainage Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 2 of *The Tile Drainage Act* as amended by section 1 of the Act passed in the fourth year of His Majesty's reign, chaptered 18, is amended by striking out the figures "\$40,000" where they occur in the fourth line of subsection 1 and in the fourth line of subsection 2 and inserting in lieu thereof the figures "\$50,000."

Rev. Stat.
c. 44, s. 2,
(4 Geo. V,
c. 18, s. 1),
amended.

Borrowing
powers of
councils.

2. Section 10 of *The Tile Drainage Act* is amended by striking out the figures "\$200,000" where they occur in the third line and inserting in lieu thereof the figures "\$500,000."

Rev. Stat.
c. 44, s. 10,
amended.

Limit of
purchases
of debentures by
province.

No. 144.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act to amend The Tile Drainage Act.

1st Reading, 4th April, 1916.

Mr. McGARRY.

TORONTO:
PRINTED BY A. T. WIGGESS,
Printer to the King's Most Excellent Majesty.

BILL

An Act to amend The Municipal Drainage Aid Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- 1.** Section 4 of *The Municipal Drainage Aid Act* is amended by striking out the figures “\$30,000” where they occur in the eighth line thereof and inserting in lieu thereof the figures “\$60,000,” and by striking out the figures “\$20,000” at the end thereof and inserting in lieu thereof the figures “\$40,000.”

Rev. Stat.
c. 43, s. 4,
amended.
Limit of
issue of
debentures
and
amount of
investment
therein.
- 2.** Section 5 of *The Municipal Drainage Aid Act* is amended by striking out the figures “\$350,000” where they occur in the third line thereof and inserting in lieu thereof the figures “\$500,000.”

Limit of
total in-
vestment of
province.

No. 145.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act to amend The Municipal
Drainage Aid Act.

1st Reading, 4th April, 1916.

Mr. McGARRY.

TORONTO:
PRINTED BY A. T. WILGESS,
Printer to the King's Most Excellent Majesty.

BILL

An Act to amend The Dog Tax and Sheep Protection Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 1 of section 3 of *The Dog Tax and Sheep Protection Act* is amended by adding at the end thereof the following words:—

Rev. Stat.
c. 246, subs.
1 of s. 3,
amended.

“Provided always that any such local municipality may by by-law increase such annual tax to a maximum of \$2 for a dog, if only one, \$3 for each additional dog, and \$5 for a bitch, if only one, and \$6 for each additional bitch owned by him.”

2. Subsection 3 of section 7 of the said Act is amended by inserting at the beginning thereof the words:—

Rev. Stat.
c. 246, subs.
3 of s. 7,
amended.

“An assessor who fails to carry out the provisions of section 4, or.”

3. Section 18 of the said Act is amended by striking out the words “not exceeding two-thirds of” in the ninth line and inserting in lieu thereof the words “equal to.”

Rev. Stat.
c. 246, s. 18,
amended.

No. 146.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act to amend The Dog Tax and Sheep
Protection Act.

1st Reading, 4th April, 1916.

Mr. DUFF.

TORONTO:
PRINTED BY A. T. WIGGESS,
Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the Licensing of Provincial Auctioneers of Pure Bred Stock.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Provincial Auctioneers Act*. Short title.

2. The Minister of Agriculture, upon payment of a fee Issue of license. of \$25, may issue to any applicant a license entitling the holder to conduct auction sales of pure bred live stock, and such license shall be valid at any place in Ontario, but only for sales, at which in each case 75 per cent. of the live stock offered is registered as pure bred stock.

3. The application for a license under this Act shall be Applica-
tion for
license. made to the Director of the Live Stock Branch of the Department of Agriculture.

4. Every license granted under this Act shall terminate Duration
of license. at the end of the calendar year in which it is issued.

No. 147.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act respecting the Licensing of Provincial Auctioneers of Pure Bred Stock.

1st Reading, 4th April, 1916.

Mr. DUFF.

TORONTO:
PRINTED BY A. T. WIGGESS,
Printer to the King's Most Excellent Majesty.

BILL

An Act to amend The Mining Act of Ontario.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Mining Amendment Act*, Short title. 1916.

2. Section 81 of *The Mining Act of Ontario* is amended by inserting after the word "thereon" in the fourth line thereof the words, "or to a survey, patent or the first year's rental of a lease." Rev. Stat.
c. 32, s. 81,
amended.

3. Clause (d) of section 84 of the said Act is amended by striking out the figure "3" in the first line thereof and substituting therefor the figure "4." Rev. Stat.
c. 32, s. 84,
cl. d,
amended.

4. The said Act is amended by adding the following as section 194 (a):— Rev. Stat.
c. 32,
amended.

The provisions of sections 192 and 193 shall also apply to all mining claims staked and recorded under *The Mines Act, 1906, The Mining Act of Ontario, 1908* or under this Act. Applica-
tion by
Rev. Stat.
c. 32, s. 192,
193.

No. 148.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act to amend The Mining Act of
Ontario.

1st Reading, 4th April, 1916.

Mr. FERGUSON
(Grenville).

TORONTO:
PRINTED BY A. T. WILGERS,
Printer to the King's Most Excellent Majesty.

BILL

An Act to amend The Ontario Highways Act, 1915.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Ontario Highways Amendment Act, 1916*. Short title.

2.—(1) Section 11, subsection (1) of the said Act is ^{5 Geo. V, c. 17, s. 11, subs. 1, amended.} amended by inserting after the word “salary” in the ninth line thereof the words “or wages,” and by omitting the word “yearly” from the ninth line thereof.

(2) The said section 11, subsection (4), is further ^{5 Geo. V, c. 17, s. 11, subs. 4, amended.} amended by adding after the word “salary” in the second line thereof, the words “or wages.”

(3) Section 11 of *The Ontario Highways Act* is further ^{5 Geo. V, c. 17, s. 11, amended.} amended by adding thereto the following:—

(5) The term for which the said overseer or foreman shall be employed need not be continuous, but may be at the pleasure of the council, and for such time or times as he is actually engaged on the work, or in the discharge of the duties assigned to him. ^{Term of employment not continuous.}

3. Section 17 of *The Ontario Highways Act* is amended ^{5 Geo. V, c. 17, s. 17, amended.} by adding thereto the following as subsection (4):—

(4) It shall be the duty of the council of a city, town or county to appoint a member or members to compose a commission as in this section provided, within thirty days from the receipt by the clerk of any such municipality of a copy of the Order-in-Council authorizing such commission, which copy shall be certified and forwarded to the clerk of the municipality by the Department of Public Highways. ^{Appointment of commission.}

No. 149.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act to amend The Ontario Highways
Act, 1915.

1st Reading, 5th April, 1916.

Mr. RANKIN.

TORONTO:
PRINTED BY A. T. WIGGESS,
Printer to the King's Most Excellent Majesty.

BILL

An Act to amend The Ontario Highways Act, 1915.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Ontario Highways Amendment Act, 1916*. Short title.

2.—(1) Subsection 1 of section 11 of ~~the~~ *The Ontario Highways Act, 1915* ~~is~~ is amended by inserting after the word “salary” in the ninth line thereof the words “or wages,” and by striking out the word “yearly” in the ninth line thereof. 5 Geo. V,
c. 17, s. 11,
subs. 1,
amended.

(2) Subsection 4 of the said section 11 is further amended by adding after the word “salary” in the second line thereof, the words “or wages.” 5 Geo. V,
c. 17, s. 11,
subs. 4,
amended.

(3) The said section 11 is further amended by adding thereto the following as subsection (5):— 5 Geo. V,
c. 17, s. 11,
amended.

(5) The term for which the said overseer or foreman shall be employed need not be continuous, but may be at the pleasure of the council, and for such time or times as he is actually engaged on the work, or in the discharge of the duties assigned to him. Term of
employ-
ment not
continuous.

3. Section 17 of *The Ontario Highways Act, 1915*, is amended by adding thereto the following as subsection (4):— 5 Geo. V,
c. 17, s. 17,
amended.

(4) It shall be the duty of the council of a city, town or county to appoint a member or members to compose a commission as in this section provided, within thirty days from the receipt by the clerk of any such municipality of a copy of the Order-in-Council authorizing such commission. Appoint-
ment of
commis-
sion.

No. 149.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act to amend The Ontario Highways
Act, 1915.

1st Reading, 5th April, 1916.

(Reprinted as amended by the Municipal
Committee.)

Mr. RANKIN.

TORONTO:
PRINTED BY A. T. WILGESS,
Printer to the King's Most Excellent Majesty.

BILL

An Act to amend The Northern and Northwestern Ontario Development Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Northern and North-Western Ontario Development Act, 1916.* Short title.

2. The Lieutenant-Governor in Council may from time to time set apart out of the appropriation made by *The Northern and North-Western Ontario Development Act, 1912*, such sums as he may deem requisite for the purpose of making loans and advances to settlers in the northern and north-western districts of Ontario. Fund set apart for loans to settlers.

3. The Lieutenant-Governor in Council, upon the recommendation of the Minister, may appoint a Commissioner for the purpose of carrying out the provisions of this Act and any Regulations made hereunder. Appointment of Commissioner.

4. Subject to the Regulations, a loan may be made to any settler by the Commissioner, to an amount not exceeding the sum of \$500, upon such terms and conditions as the Commissioner may think proper. Limit of amount of loan.

5. It shall be sufficient for the purposes of *The Public Lands Act, The Registry Act* and *The Land Titles Act* that the Commissioner shall give notice in writing under his hand and seal that there is due to the Crown from any settler any sum on account of a loan made under the authority of this Act. Recording lien under Rev. Stat. cc. 28, 124, 126.

6. The notice shall state the amount of the loan and the terms of re-payment thereof, and the rate of interest thereon, and shall describe the lands to be charged, and may be registered against the lands, in the case of unpatented lands, in the

Department of Lands, Forests and Mines; and in the case of patented lands, in the proper Registry or Land Titles Office, and upon registration the notice shall constitute a first lien and charge upon the lands described therein, subject only to any payments which may be due to the Crown on account of the purchase money of the land, or for timber dues, or otherwise, whether the person from whom the amount is due is the owner of the land or is the purchaser, or locatee, or merely an occupant thereof.

Tax sale
subject
to lien.

7. In case any land charged as aforesaid is sold for taxes, the title of the purchaser at the sale shall be subject to such lien and charge.

Certificate
of dis-
charge.

8. Upon payment or other satisfaction of any lien or charge registered under this Act, the Commission may give a certificate in writing under his hand and seal that any sum due to the Crown has been paid or accounted for, and that the lands describing them are discharged from any lien or charge created under this Act.

Register-
ing certi-
cate of
discharge.

9. The certificate may be registered in the Department of Lands, Forests and Mines, or in the proper Registry or Land Titles Office as the case may be, and upon registration thereof the lien or charge created under this Act shall be discharged, and the lands described in the certificate shall be free therefrom.

Registra-
tion with-
out charge

10. The Notice of Lien and the Certificate of Discharge shall be entered and registered by the Registrar or Master of Titles without charge.

Registra-
tion.

11. The Lieutenant-Governor in Council, upon the recommendation of the Minister, may from time to time make regulations

(a) Prescribing the form and manner of making application for a loan, and the manner in which each application shall be dealt with;

(b) Providing for the inspection and valuation of land upon which the loan is sought to be obtained;

(c) Respecting the inquiries to be made, and the information to be furnished with respect to the applicant before the making of the loan;

(d) As to the rate of interest, time, place, and manner of re-payment of the loan;

- (e) Designating the persons who shall act in various localities under the direction of the Commissioner for the purpose of carrying out the provisions of this Act and the Regulations;
- (f) Fixing the amount of the security to be given by the Commissioner or by any other person employed under this Act;
- (g) Prescribing the forms of notices, certificates, returns and other documents to be made or given under this Act;
- (h) Generally for the better carrying out of the provisions of this Act.

12.—(1) The Lieutenant-Governor in Council may, ^{Advances to Commissioners.} from time to time, direct that advances be made to the Commissioner out of the funds so set apart under the authority of *The Northern and North-Western Ontario Development Act, 1912*, upon the requisition of the Commissioner, countersigned by the Minister, and all such advances shall be duly accounted for in the manner provided by *The Audit Act*.

(2) The Commissioner and all other officers employed ^{Security by Commissioner and officers.} in carrying out the provisions of this Act shall give such security for the due accounting for all moneys coming to their hands as may be fixed by the Lieutenant-Governor in Council.

13. A report of all loans made by him during the preceding ^{Annual report on loans.} fiscal year, and all the amounts received in repayment of any such loans, shall be made by the Commissioner to the Lieutenant-Governor on or before the first day of January in each year, and shall be laid before the Assembly at the next Session of the Legislature held thereafter.

14. This Act shall be read with and as part of *The Northern and North-Western Ontario Development Act, 1912*, and *The Northern and North-Western Development Act, 1915*. ^{Act read with 2 Geo. V, c. 2, and 5 Geo. V, c. 6.}

No. 150.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act to amend The Northern and
North-Western Ontario Development
Act.

1st Reading, April 6th, 1916.

Mr. FERGUSON (Grenville).

TORONTO:
PRINTED BY A. T. WILGESS,
Printer to the King's Most Excellent Majesty.

BILL

An Act to amend The Municipal Drainage Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 1 of section 6 of *The Municipal Drainage Act* is repealed, and the following substituted therefor:—

Rev. Stat.
c. 198, s. 6,
subs. 1,
repealed.

- (1) The engineer or surveyor, in assessing the lands to be benefited or otherwise liable for assessment under this Act, need not confine his assessment to the part of the lot actually affected, but he shall nevertheless in his report show the approximate number of acres contained in the part affected by his assessment.

Assess-
ment of
land af-
fected.

2. Section 9 of *The Municipal Drainage Act* is amended by adding after subsection 1, the following subsection:—

Rev. Stat.
c. 198, s. 9,
amended.

- (1a) It shall be lawful for any municipality to pass a general by-law for the purpose of assuming, as a charge upon the general funds of the municipality, the whole or such portion as such by-law may determine of the construction and maintenance of all bridges or culverts rendered necessary by any drainage work crossing public highways, or portions thereof within such municipality, and when such a by-law has been passed, it shall not be repealed, except with the permission of the referee, and so long as such by-law remains unrepealed, the engineer or surveyor shall, in his assessment, apportion the cost of such bridges and culverts in accordance with the provision of the said by-law.

General by-
law as to
assess-
ments for
culverts,
bridges,
etc., on
highways.

3. Subsection 2 of section 9 of *The Municipal Drainage Act* is repealed, and the following substituted therefor:—

Rev. Stat.
c. 198, s. 9,
subs. 2,
repealed.

- (2) The engineer or surveyor shall also in his report and estimates provide for the construction or enlargement of bridges required to afford access from the lands of owners to the travelled portion

Construc-
tion and
mainten-
ance of
bridges
between
private
lands and
highways.

of any public highway and rendered necessary by the drainage work, and shall fix the value of the construction or enlargement thereof to be paid to the respective owners, whose lands require access by means thereof, but after such construction or enlargement such bridges shall be maintained by the owners and neither the lands assessed for the drainage work nor the municipal corporation shall be liable for keeping such bridges in repair after the construction thereof, nor for any consequences resulting from the non-repair thereof.

Rev. Stat.
c. 198, s. 9,
amended.

4. Section 9 of *The Municipal Drainage Act* is amended by inserting therein the following subsection:—

Allowance
for right
of way,
pumping
works, etc.

5a. The engineer or surveyor shall likewise in his report estimate and allow in money to any person, company or corporation the value to the drainage work of any land belonging to such person, company or corporation which it is necessary to use for the purpose of the construction of a drainage work, or as a site for a pumping station to be used in connection with a drainage work, or as a means of access to any such pumping station; provided, however, that in the latter case the engineer or surveyor may allow for right of way only if in his opinion such right of way is sufficient for the purposes of the drainage work.

Rev. Stat.
c. 198, s. 75.
subs. 1,
repealed.

5. Subsection 1 of section 75 of *The Municipal Drainage Act* is repealed, and the following substituted therefor:—

Varying
original as-
sessments
for main-
tenance.

(1) The council of any municipality, liable for contribution to a drainage work in connection with which conditions have changed or circumstances have arisen such as to justify a variation of the original assessment in respect of the drainage work, may apply to the referee upon an application, of which notice has been given to the head of every other municipality interested, for permission to procure the report of an engineer or surveyor varying such original assessment, and in the event of such permission being given such council may procure the report of an engineer or surveyor as aforesaid, and pass a by-law adopting the same, but in case all the lands and roads assessed or intended to be assessed lie within the limits of one municipality, the council of such municipality may procure and adopt such report without such permission.

No. 151.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act to amend The Municipal Drainage
Act.

1st Reading, 6th April, 1916.

Mr. HANNA.

TORONTO:
PRINTED BY A. T. WIGGESS,
Printer to the King's Most Excellent Majesty.

BILL

An Act to amend The Municipal Drainage Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 1 of section 6 of *The Municipal Drainage Act* is repealed, and the following substituted therefor:—

Rev. Stat.
c. 198, s. 6,
subs. 1,
repealed.

- (1) The engineer or surveyor, in assessing the lands to be benefited or otherwise liable for assessment under this Act, need not confine his assessment to the part of the lot actually affected, but he shall nevertheless in his report show the approximate number of acres contained in the part affected by his assessment.

Assess-
ment of
land af-
fected.

2. Section 9 of *The Municipal Drainage Act* is amended by adding after subsection 1, the following subsection:—

Rev. Stat.
c. 198, s. 9,
amended.

- (1a) It shall be lawful for any municipality to pass a general by-law for the purpose of assuming, as a charge upon the general funds of the municipality, the whole or such portion as such by-law may determine of the construction and maintenance of all bridges or culverts rendered necessary by any drainage work crossing public highways, or portions thereof within such municipality, and when such a by-law has been passed, it shall not be repealed, except with the permission of the referee, and so long as such by-law remains unrepealed, the engineer or surveyor shall, in his assessment, apportion the cost of such bridges and culverts in accordance with the provision of the said by-law.

General by-
law as to
assess-
ments for
culverts,
bridges,
etc., on
highways.

3. Subsection 2 of section 9 of *The Municipal Drainage Act* is repealed, and the following substituted therefor:—

Rev. Stat.
c. 198, s. 9,
subs. 2,
repealed.

- (2) The engineer or surveyor shall also in his report and estimates provide for the construction or enlargement of bridges required to afford access from the lands of owners to the travelled portion

Construc-
tion and
mainten-
ance of
bridges
between
private
lands and
highways.

of any public highway and rendered necessary by the drainage work, and shall fix the value of the construction or enlargement thereof to be paid to the respective owners, whose lands require access by means thereof, but after such construction or enlargement such bridges shall be maintained by the owners and neither the lands assessed for the drainage work nor the municipal corporation shall be liable for keeping such bridges in repair after the construction thereof, nor for any consequences resulting from the non-repair thereof.

Rev. Stat.
c. 198, s. 9,
amended.

4. Section 9 of *The Municipal Drainage Act* is amended by inserting therein the following subsection:—

Allowance
for right
of way,
pumping
works, etc.



5a. The engineer or surveyor shall likewise in his report estimate and allow in money to any person, company or corporation the value to the drainage work of any land belonging to such person, company or corporation which it is necessary to use for the purpose of the construction of a drainage work, or as a site for a pumping station to be used in connection with a drainage work, or as a means of access to any such pumping station; provided, however, that in the latter case the engineer or surveyor may allow for right of way only if in his opinion such right of way is sufficient for the purposes of the drainage work.

Rev. Stat.
c. 198, s. 75.
subs. 1,
repealed.

5. Subsection 1 of section 75 of *The Municipal Drainage Act* is repealed, and the following substituted therefor:—

Varying
original as-
sessments
for main-
tenance.

(1) The council of any municipality, liable for contribution to a drainage work in connection with which conditions have changed or circumstances have arisen such as to justify a variation of the original assessment in respect of the drainage work, may apply to the referee upon an application, of which notice has been given to the head of every other municipality interested, for permission to procure the report of an engineer or surveyor varying such original assessment, and in the event of such permission being given such council may procure the report of an engineer or surveyor as aforesaid, and pass a by-law adopting the same, but in case all the lands and roads assessed or intended to be assessed lie within the limits of one municipality, the council of such municipality may procure and adopt such report without such permission.

 **6.** Subsection 1 of section 77 of *The Municipal Drainage Act* is amended by inserting after the word "work" in the sixth line the words "or to construct a tile drain under the bed of the whole or any portion of such drainage work as ancillary thereto," and by inserting after the word "outlet" in the sixteenth line the words "tile drain." 

Rev. Stat.
c. 198, s. 77
subs. 1,
amended

No. 151.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act to amend The Municipal Drainage
Act.

1st Reading, 6th April, 1916.
2nd Reading, 11th April, 1916.

*(Reprinted as amended by the Municipal
Committee.)*

Mr. HANNA.

TORONTO:
PRINTED BY A. T. WILGESS,
Printer to the King's Most Excellent Majesty.

BILL

An Act for raising money on the Credit of the Consolidated Revenue Fund of Ontario.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Lieutenant-Governor in Council is hereby authorized to raise by way of loan a sum of money not exceeding Four million dollars (\$4,000,000) for all or any of the purposes following, that is to say: for the public service, for works carried on by commissioners on behalf of Ontario, for the covering of any debt of Ontario on open account, for paying any floating indebtedness of Ontario, and for the carrying on of the public works authorized by the Legislature.

Loan of
\$4,000,000.

2. The aforesaid sum of money may be borrowed for any term or terms not exceeding forty years at such rate as may be fixed by the Lieutenant-Governor in Council, and shall be raised upon the credit of the Consolidated Revenue Fund of Ontario, and shall be chargeable thereupon.

Rate to be
fixed by the
Lieutenant-
Governor.

3. The Lieutenant-Governor in Council may direct that the securities issued for the loan authorized by this Act shall be free from any or all Provincial taxes, succession duties and impositions whatsoever.

Securities
may be ex-
empted from
certain Pro-
vincial taxes.

4. The Lieutenant-Governor in Council may provide for a special sinking fund with respect to the issue herein authorized, and such sinking fund may be at a greater rate than the one-half of one per centum per annum on the amount of such debentures or stock as specified in subsection 2 of section 4 of *The Provincial Loans Act*.

Sinking fund.

Rev. Stat.,
c. 21.

No. 152.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act for raising money on the Credit of
the Consolidated Revenue Fund
of Ontario.

1st Reading, 6th April, 1916.

Mr. McGARRY.

TORONTO:
PRINTED BY A. T. WIGGESS,
Printer to the King's Most Excellent Majesty.

BILL

An Act to amend The Public Health Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sections 75 and 76 of *The Public Health Act* are repealed and the following inserted in lieu thereof:—

Rev. Stat.
c. 218, sec-
tions 75
and 76,
repealed.

75. The Medical Officer of Health of any municipality, or any inspector or other person in the employ of the Local Board acting under his instructions, or any member of a Local Board may enter, inspect and examine at any time of the day or night, as often as he thinks necessary, any premises within the municipality for the purpose of carrying out the provisions of this Act, and may take such action as he deems necessary for carrying out the said provisions, and any person in charge of such premises for the time being shall render such aid to the Medical Officer of Health or other person as may be necessary to make such inspection or examination.

Inspection
of muni-
cipality.

76.—(1) Every Medical Officer of Health shall see that the municipality or location for which he is appointed is regularly inspected in order to prevent nuisances or to abate any existing nuisance.

Duty of
medical
health
officer.

(2) If upon such examination he finds any premises in a filthy or unclean state, or that any matter or thing is there which, in his opinion, may endanger the public health, he may order the owner or occupant of the premises to cleanse the same, and to remove or destroy what is so found therein.

Examina-
tion of
premises
and order
for
cleansing.

No. 153.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act to amend The Public Health Act.

1st Reading, 7th April, 1916.

Mr. Irish.

TORONTO:

PRINTED BY A. T. WILGESS,

Printer to the King's Most Excellent Majesty.

BILL

An Act to amend The Houses of Refuge Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection (1) of section 2 of *The Houses of Refuge Act* is amended by inserting after the word "county," in the first and third lines thereof, the words, "and city having a population of 50,000 or over." Rev. Stat. c. 290, s. 2, subs. 1, amended

2. Subsection (1) of section 3 of the said Act is amended by inserting after the word "city" in the first line thereof, the words "having a population of less than 50,000." Rev. Stat. c. 290, s. 3, subs. 1, amended.

No. 154.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

Act to amend The Houses of Refuge
Act.

1st Reading, 7th April, 1916.

MR. HURDMAN.

TORONTO:
PRINTED BY A. T. WILKES,
Printer to the King's Most Excellent Majesty.

BILL

An Act to amend The Theatres and Cinematographs Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection 1 of section 4 of *The Theatres and Cinematographs Act* as amended by subsection 1 of section 21 of *The Statute Law Amendment Act, 1915*, is amended by inserting after the word "persons" in the said amendment the words "of whom at least one shall be a woman."

Rev. Stat.
c. 236, s. 4,
subs. 1,
amended.

Female
inspection.

No. 155.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act to amend The Theatres and Cinematographs Act.

1st Reading, 7th April, 1916.

Mr. HURDMAN.

TORONTO:
PRINTED BY A. T. WILGESS,
Printer to the King's Most Excellent Majesty.

BILL

An Act to amend The Ontario Election Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Ontario Election Amendment Act, 1916.* Short title.

2. For the purposes of *The Assessment Act, The Ontario Election Act, The Voters' Lists Act and The Manhood Suffrage Registration Act*, absence on service as a member of the active militia shall be deemed to include absence as a member on active service with the naval or military forces of the British Empire or Great Britain's Allies during the present war. Rev. Stat., c. 195, c. 8, c. 6, c. 7. Absence of voter from residence on military service.

3.—(1) *The Ontario Election Act* is amended by adding the following as section 20a:— Rev. Stat., c. 8, amended.

20a. In a city which is divided into two or more electoral districts where a person whose name is entered on the last revised voters' list or the list of manhood suffrage voters proper to be used at an election in one electoral district moves his place of residence to another electoral district in such city, and an election takes place after he has moved his place of residence he shall be entitled to vote at the polling place in the electoral district on the list of which he is entered if he is not entitled to be or could not have been entered on the last revised voters list or list of manhood suffrage voters proper to be used at an election in the electoral district to which he has so moved his place of residence. Removal from one electoral district in a city to another.

(2) Form 17 in Schedule "A" to *The Ontario Election Act* is further amended by adding an alternative paragraph 4 as follows:— Rev. Stat., c. 8, sched. "A," form 17 amended.

Or in the case of a person voting under Section 20a in lieu of paragraph 4.

Alternative
oath as to
residence.

- (3) That you were on the said day in good faith a resident of and domiciled in this city on the list of which you are entered;

That you resided in this electoral district continuously from the said day up to the time that you took up your residence and domicile in another electoral district in this city and that you are now actually residing and domiciled in such electoral district and that you are not entitled to be or could not be entered on the list prepared for the electoral district in which you are now residing and domiciled.

Rev. Stat.,
c. 8, sched.
"A," form 18,
amended.

- (4) Form 18 in Schedule "A" to *The Ontario Election Act* is amended by adding as an alternative paragraph 4 the following:—

Or in the case of a person voting under section 20a.

Alternative
oath as to
residence
where voter
has removed
from one
electoral
district to
another.

- (5) That you were on the said day and for the three months next preceding the same in good faith a resident of and domiciled in this city, and that you resided in this electoral district for the 30 days next preceding the said day and continuously from the said day up to the time that you took up your residence and domicile in another electoral district in this city and that you are now actually residing and domiciled in such other electoral district and that you are not entitled to be or could not be entered on the list prepared for the electoral district in which you are now residing and domiciled.

No. 156.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act to amend the Ontario Election
Act

1st Reading, 7th April, 1916.

Mr. McPHERSON.

TORONTO:
PRINTED BY A. T. WILKES,
Printer to the King's Most Excellent Majesty.

BILL

An Act to amend The Ontario Game and Fisheries Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Act passed in the 4th year of His Majesty's reign, chaptered 46, may be cited as *The Ontario Game and Fisheries Amendment Act, 1914*, and this Act may be cited as *The Ontario Game and Fisheries Amendment Act, 1916*. Short titles.

2.—(1) Section 3 of *The Ontario Game and Fisheries Act* is amended by striking out clause (i) and substituting the following therefor:— Rev. Stat. c. 162, s. 3, amended.

(i) "Non-Resident" shall mean any person domiciled in the Province for a period of less than six months. "Non-Resident," meaning of.

(2) The said section is further amended by striking out the clause lettered "m."

(3) The said section is further amended by striking out the word "Superintendent" in the first line of clause *n* and substituting therefor the words "Deputy Minister," and by striking out the word "Branch" in the second line of clause *n* and substituting therefor the word "Department." Rev. Stat. c. 262, s. 2, cl. (n), amended. Game and Fisheries Department.

3.—(1) Subsection 1 of section 5 of the said Act is amended by striking out the word "Branch" in the third and fifth lines and substituting the word "Department" therefor. Rev. Stat. c. 262, s. 5, subs. 1, amended.

(2) Subsection 2 of section 5 of the said Act is amended by striking out the word "Branch" in the second line and substituting the word "Department" therefor. Rev. Stat. c. 262, s. 5, subs. 2, amended.

4.—(1) Clause (c) of section 8 of the said Act is amended by inserting the words "Manitoulin and" after the word "for." Rev. Stat. c. 262, s. 8, cl. (c), amended.

(2) Clause (*h*) of section 8 of the said Act is amended by striking out the last five words.

Rev. Stat.
c. 262, s. 9,
repealed.

5. Section 9 of the said Act is repealed and the following substituted as subsection 1:—

Non-
resident's
license.

9.—(1) Non-residents shall not hunt, take, kill, wound or destroy any animal or bird, or carry or use a gun for such purpose except under authority of a license.

Hunting
and trapping
license.

(2) No person shall hunt or trap fur-bearing animals except under the authority of a license, but this shall not apply to farmers or farmers' sons trapping on their own lands.

c. 262, s. 10,
cl. (c),
amended.

Open
season for
deer, etc.

6.—(1) Clause (*c*) of section 10 of the said Act is amended by striking out the words "16th day of October to the 15th day of November" in the seventh and eighth lines, and substituting the words "1st day of November to the 30th day of November."

Rev. Stat.
c. 262, s. 10,
cl. (d),
amended.
Close season
for part-
ridge, etc.,
until 15th
October,
1918.

(2) Clause (*d*) of section 10 of the said Act is amended by adding the following words: "and no grouse, prairie fowl or partridge shall be hunted, taken or killed before the 15th day of October, 1918."

Rev. Stat.
c. 262, s. 10,
cl. (e),
amended.

(3) Clause (*e*) of section 10 of the said Act is amended by striking out the words "1st day of October" in the first line and substituting "15th day of October" therefor.

Rev. Stat.
c. 262, s. 10,
cl. (f),
amended.

(4) Clause (*f*) of section 10 of the said Act is amended by striking out the words "15th day of November" in the second line and substituting therefor the words "1st day of November"; and by striking out "1st day of December" in the second and third lines and substituting therefor "15th day of November," and no person shall take or kill more than six quail in one day or twenty-five for the season.

Rev. Stat.
c. 262, s. 10,
cl. (g),
amended.

(5) Clause (*g*) of section 10 of the said Act is amended by striking out the words "15th day of April" in the second line and substituting therefor the words "30th day of April."

Rev. Stat.
c. 292, s. 10,
cl. (h),
amended.

(6) Clause (*h*) of section 10 of the said Act is amended by striking out the words "in the Northern District" in the third line, and the words "15th day of December" in the fourth and fifth lines and substituting the words "31st day of December" therefor.

Rev. Stat.
c. 292, s. 10,
cl. (i),
repealed.

(7) Clause (*i*) of section 10 of the said Act is repealed.

(8) Clause (j) of section 10 of the said Act is amended by striking out the figures "1915" in the second line and substituting the figures "1920" therefor. Rev. Stat. c. 292, s. 10, cl. (j), amended.

(9) Section 10 of the said Act is further amended by striking out "clause (k)" and substituting the following therefor:— Rev. Stat. c. 292, s. 10, cl. (k), repealed.

(k) Hares may be taken by any means at any time between the 15th day of October and the 15th day of November and between the 23rd day of December and the 2nd day of January following, and may be taken at any other time by any other means than shooting. Hares.

(10) Subsection 2 of section 10 of the said Act is amended by striking out all the words after the word "damage" in the fourth line. Rev. Stat. c. 292, s. 10, amended.

(11) Subsection 3 of section 10 of the said Act is amended by striking out the word "deer" in the second, fourth and sixth lines and substituting the word "game" therefor. Rev. Stat. c. 292, s. 10, subs. 3, amended.

7.—(1) Subsection 2 of section 11 of the said Act is amended by striking out all the words after the word "person" in the second line and substituting the following therefor: "in that part of the Province lying south of the French and Mattawa Rivers, except from the 1st day of March to the 21st day of April, and in that part of the Province lying north of the French and Mattawa Rivers from the 1st day of April to the 21st day of May." Rev. Stat. c. 292, s. 11, subs. 2, amended.

(2) Subsection 3 of section 11 of the said Act is repealed. Rev. Stat. c. 292, s. 11, subs. 3, repealed.

8. Subsection 4 of section 11 of the said Act is amended by striking out the words "during the month of April" in the first line. Rev. Stat. c. 292, s. 11, subs. 4, amended.

9. Subsection 8 of section 11 of the said Act is amended by striking out the word "Superintendent" in the first, fourth and eighth lines and substituting the words "Deputy Minister". Rev. Stat. c. 292, s. 11, subs. 8, amended.

10. Section 13 of the said Act is amended by adding the following as subsection 7:— Rev. Stat. c. 292, s. 13, amended.

(7) No person who has taken or killed any bird or animal suitable for food shall allow the flesh thereof to be destroyed or spoilt, and no person who has killed or taken a fur-bearing animal shall allow the skin thereof to be destroyed or spoilt. Flesh and skin not to be wasted.

Rev. Stat.
c. 292, s. 14,
subs. 1,
amended.

Duck
hunting.

11.—(1) Subsection 1 of section 14 of the said Act is amended by adding the following words: “And no person shall hunt, kill, wilfully chase or put to flight any wild ducks or other water fowl that are more than 200 yards from the shore or natural rush bed thick enough to conceal a boat, or from a water line bounding private property.”

Rev. Stat.
c. 292, s. 14,
subs. 3,
amended.

Decoys.

(2) Subsection 3 of section 14 of the said Act is amended by adding the following words: “And no person shall set out more than one flock of decoys and no flock of decoys shall consist of more than 50, and no two flocks shall be placed nearer each other than 100 yards.”

Rev. Stat.
c. 292, s. 14,
amended.

(3) Section 14 of the said Act is further amended by adding the following as “subsection (5)”:—

Traffic in
water fowl
prohibited.

(5) “The purchase or sale of wild ducks, wild geese or other water fowl is prohibited.”

Rev. Stat.
c. 292, s. 18,
amended.

Having
eggs in
possession.

12. Section 18 of the said Act is amended by striking out the words “by any person at any time” in the second line and substituting the following therefor: “At any time by any person, except such persons as may hold a permit from the Minister to engage in the business of propagating game birds.”

Rev. Stat.
c. 292, s. 20,
amended.

13. Section 20 of the said Act is amended by inserting the word “shot” after the word “no” in the first line.

Rev. Stat.
c. 292, s. 21,
subs. 1,
amended.

14. Subsection 1 of section 21 of the said Act is amended by inserting the words “in a lumber camp or” after the word “employed” in the first line.

Rev. Stat.
c. 292, s. 28,
amended.

15. Section 28 of the said Act is amended by striking out the word “Superintendent” in the first line and substituting the words “Deputy Minister” therefor.

Rev. Stat.
c. 292, s. 32,
amended.

16. Section 32 of the said Act is amended by striking out the word “Superintendent” in the fourth line and substituting the words “Deputy Minister” therefor.

Rev. Stat.
c. 292, s. 35,
amended.

17. Section 35 of the said Act is amended by striking out the word “Superintendent” in the fourth line and substituting the words “Deputy Minister” therefor.

Rev. Stat.
c. 292, s. 39,
cl. (a),
amended.

18. Clause (a) of section 39 of the said Act is amended by inserting the words “pheasants or other game birds” after the word “partridge” in the second line.

19. Subsection 3 of section 40 of the said Act is amended by adding the words "or birds" after the word "animals" in the first, third and fifth lines.

Rev. Stat.
c. 292, s. 40,
subs. 3,
amended.

20.—(1) Subsection 4 of section 41 of the said Act is amended by striking out the word "live" in the third, sixth and eighth lines and by inserting the words "or birds" after the word "animals" in the second, third, fourth and fifth lines, and by inserting the word "or bird" after the word "animal" in the seventh and eighth lines.

Rev. Stat.
c. 292, s. 41,
subs. 4,
amended.
Purchase
and sale of
game with-
out license.

(2) Section 41 of the said Act is further amended by adding the following as subsection 6:—

Rev. Stat.
c. 292, s. 41,
amended.

(6) The Minister may grant a permit to any person to take game or fur-bearing animals during the close season for propagating or scientific purposes.

Permit
to take
game, etc.,
for propa-
gating or
scientific
purposes.

(3) Section 41 of the said Act is further amended by adding the following as subsection 7:—

Rev. Stat.
c. 292, s. 41,
amended.

(7) The Minister may grant a permit to the Superintendent of Rondeau Provincial Park to take game animals or birds within the Park at any time for the purpose of thinning or for stocking or scientific purposes.

Supt. of
Rondeau
Provincial
Park.

21. Section 43 of the said Act is amended by adding the following as subsection 6:—

Rev. Stat.
c. 292, s. 43,
amended.

(6) The Minister may issue permits, not inconsistent with any law of the Dominion of Canada, authorizing the exportation from the Province or the transportation within the Province at any time of any game whether alive or dead.

Export
permits.

22.—(1) Subsection 2 of section 45 of the said Act is amended by inserting the words "Deputy Minister or" before the word "Superintendent" in the fourth line.

Rev. Stat.
c. 292, s. 45,
subs. 2,
amended.

(2) Subsection 1 of section 47 of the said Act is repealed.

Rev. Stat.
c. 292, s. 47,
subs. 1,
repealed.

(3) Subsection 3 of section 47 of the said Act is amended by striking out the word "Superintendent" in the first line and substituting the words "Deputy Minister."

Rev. Stat.
c. 292, s. 47,
subs. 3,
amended.

(4) Subsection 5 of section 47 of the said Act is amended by striking out the word "Superintendent" in the second line and inserting the words "Deputy Minister" therefor.

Rev. Stat.
c. 292, s. 47,
subs. 5,
amended.

Rev. Stat.
c. 292, s. 48,
subs. 1,
cl. (a),
amended.

23.—(1) Clause (a) of subsection 1 of section 48 of the said Act is amended by striking out the words “not exceed \$50” in the last line and substituting therefor “be \$25.”

Rev. Stat.
c. 292, s. 48,
amended.

(2) Subsection 1 of section 48 of the said Act is further amended by adding the following clause:—

(e) A resident of Ontario to hunt and trap fur-bearing animals, and the fee for such license shall be \$5.

Rev. Stat.
c. 292, s. 48,
subs. 2,
amended.

(3) Subsection 2 of section 48 of the said Act is amended by inserting the words “Deputy Minister or” before the word “Superintendent” in the fifth line.

Rev. Stat.
c. 292, s. 49,
cl. (a),
amended.

24. Clause (a) of section 49 of the said Act is amended by striking out the figures “\$25” in the last line and by adding the following words:—“in cities having a population of not less than 100,000, \$15; in cities having a population of not less than 50,000, \$10; and in municipalities under 50,000, \$5.”

Rev. Stat.
c. 292, s. 52,
amended.

25. Section 52 of the said Act is amended by inserting the words “or Overseer” after the word “warden” in the sixth line.

Rev. Stat.
c. 292, s. 54,
cl. (a),
amended.

26.—(1) Clause (a) of section 54 of the said Act is amended by striking out the word “Branch” in the second line and substituting the word “Department.”

Rev. Stat.
c. 292, s. 54,
cl. (b),
amended.

(2) Clause (b) of section 54 of the said Act is amended by inserting the words “Deputy Minister” before the word “Superintendent” in the first line.

27. Section 55 of the said Act, and section 55a of the said Act, as enacted by section 9 of *The Ontario Game and Fisheries Amendment Act, 1914*, are repealed and the following substituted therefor:—

Deputy
Minister.

55.—(1) There shall be a Deputy Minister of Game and Fisheries who shall be appointed by the Lieutenant-Governor in Council and shall perform such duties as may be assigned to him by the Lieutenant-Governor in Council or by the Minister, and in the absence of the Minister or in case of a vacancy in the office of Minister he shall preside over the Department and shall discharge the duties of the Minister. 4 Geo. V., c. 46.

- (2) The Deputy Minister shall, before entering upon Oath. his duties, take and subscribe an oath to faithfully perform the same, which shall be administered by the Minister or by some person appointed by the Lieutenant-Governor in Council for that purpose.

- (3) For the purposes of *The Public Service Act*, the Game and Fisheries Branch shall be deemed a Department and the Deputy Minister shall have and perform the like powers and duties as are conferred or imposed upon a Deputy Minister by that or any other Act in like cases. Game and Fisheries Branch to be a Department within the meaning. Rev. Stat. c. 14.

55a. There shall be a Superintendent of Game and Fisheries who shall perform such duties as may be imposed upon him by the regulations or by the Minister. Duties of Superintendent. Rev. Stat. c. 292, s. 59, amended.

28. Section 59 of the said Act is amended by inserting the words "Deputy Minister" before the word "Superintendent" in the first line. Rev. Stat. c. 292, s. 59, amended.

29. Subsection 1 of section 60 of the said Act is amended by striking out the word "Superintendent" in the second line and substituting the words "Deputy Minister" therefor. Rev. Stat. c. 292, s. 60, subs. 1, amended.

30.—(1) Subsection 1 of section 61 of the said Act is amended by striking out the word "Superintendent" in the second line and substituting the words "Deputy Minister" therefor. Rev. Stat. c. 292, s. 61, subs. 1, amended.

(2) Subsection 11 of section 61 of the said Act is amended by inserting the words "Deputy Minister" before the word "Superintendent" in the second line. Rev. Stat. c. 292, s. 61, subs. 11, amended.

31. Subsection 1 of section 62 of the said Act is amended by striking out the word "Superintendent" in the second line and substituting therefor the words "Deputy Minister." Rev. Stat. c. 292, s. 62, subs. 1, amended.

32.—(1) Subsection 1 of section 65 of the said Act is repealed and the following substituted therefor:— Rev. Stat. c. 292, s. 65, subs. 1, repealed.

Any person who commits any offence against the provisions of this Act in respect of fish or fishing or any licensed fisherman who violates the con- Penalty for violation of fisheries regulations.

ditions of his license shall for each offence incur a penalty of not less than \$5 and not more than \$300.

Rev. Stat.
c. 292, s. 65,
amended.

(2) Section 65 of the said Act is further amended by adding the following as clause (a):—

Penalties as
to deer, etc.

(a) Any person who commits any offence against this Act in respect of deer, moose, reindeer, caribou, beaver or otter shall for each offence incur a penalty of not less than \$20 nor more than \$100."

Rev. Stat.
c. 292, s. 65,
amended.

(3) Section 65 is further amended by adding the following as clause (b):—

Penalties.

" Any person who commits any offence against this Act other than those specified above shall for each offence incur a penalty of not less than \$5 nor more than \$50."

No. 157.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act to amend The Ontario Game and
Fisheries Act.

1st Reading, 10th April, 1916.

Mr. MACDIARMID

TORONTO:
PRINTED BY A. T. WIGGESS,
Printer to the King's Most Excellent Majesty

No. 158.

1916.

BILL

An Act to amend The Snow Fences Act.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:—

1. Subsection (1) of section 2 of *The Snow Fences Act* is amended by inserting after the word "every" in the first line thereof the word "county." Rev. Stat.
c. 211, s. 2,
subs. (1),
amended.

No. 158.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act to amend The Snow Fences Act.

1st Reading, 10th April, 1916.

Mr. ELLIOTT.

TORONTO:
PRINTED BY A. T. WILGESS,
Printer to the King's Most Excellent Majesty.

No. 159.

1916.

BILL

An Act to amend The Public Libraries Act.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:—

1. Sub-section 3 of section 7 of *The Public Libraries Act* Rev. Stat.
c. 202, s. 7,
subs. 3,
amended.
is amended by striking out the word "the" in the first line
thereof and substituting therefor the word "a."

No. 159.

2nd Session, 14th Legislature,
6 George V, 1916.

An Act to amend The Public Libraries
Act.

1st Reading,	April 10th, 1916.
2nd Reading,	1916.
3rd Reading,	1916.

Mr. ELLIOTT.

TORONTO:

PRINTED BY A. T. WILKES,
Printer to the King's Most Excellent Majesty.

BILL

An Act allowing Municipalities to adopt Proportional Representation.

WHEREAS it is expedient to enable certain cities, towns, villages and townships to adopt proportional representation for the election of aldermen and councillors; Preamble.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be known and cited as *The Proportional Representation Act, 1916.* Short title.

2. In every city, town, village and township where the council is elected by a general vote, the council of such city, town, village or township may pass a by-law providing for the adoption of proportional representation in the election of aldermen of such city, or councillors of such town, village or township, by any method that is based upon the principle of an electoral quota: the said quota being found by dividing into the number of valid votes the number of councillors or aldermen to be elected, ignoring fractions, if any; but such by-law, before the final passing thereof, shall receive the assent of the electors of the municipality in the manner provided by *The Municipal Act*. By-laws for adoption of proportional representation.

3. Any council providing by such by-law for the said elections upon said principle of proportional representation shall adopt the system of voting by ballot and all other provisions of *The Municipal Act* for the election of such aldermen and councillors so far as the same can be made for the purpose operative; and it shall be competent for the said council in their said by-law to supplement the said provisions by such further directions and provisions as may be found desirable and necessary efficiently to carry out the method adopted for electing such aldermen or councillors in accordance with said principle of proportional representation. Supplementing provisions of Municipal Act.

Vacancies.

4. It shall be competent for any such council by such by-law to provide for vacancies as follows:—

- (a) A vacancy may be filled or left unfilled;
- (b) A vacancy may be filled by declaring elected the candidate who at the last general election received the highest number of votes next after the elected candidate receiving the lowest number of votes;
- (c) Other vacancies may be filled in like manner by taking the candidates in the order of their number of votes from the remaining highest to lowest;
- (d) Or vacancies may be filled by a new election for the whole city, town, village or township.

Preferential ballot.

5. Any municipal council may, whether adopting proportional representation or not, provide by by-law for the use at the election of any municipal officer such as mayor, warden, reeve, councillor or alderman, wherein only one office is to be filled and wherein only one candidate can be elected, of a preferential ballot that will enable, in the event of more than two candidates running for such office, electors to designate their choice not only by marking their ballot for the candidate firstly desired and the electors' first choice, but in such a way as to designate second and subsequent choices in the alternative event of the first choice having been unsuccessful; and for such purpose may provide for the utilization of such votes cast for an unsuccessful candidate by a redistribution of them after dropping such candidate in process of counting after the manner of the Hare-Spence system or such other system as may be deemed by said council most effectual for the purpose.

Petition for submission of by-law.

6. In case of a petition signed by five per cent. of the qualified municipal electors of any city, town, village or township, the aldermen or councillors of which are elected by a general vote, is presented to the council of such city, town, village or township asking that a by-law be submitted for the adoption of proportional representation, or of preferential balloting as set forth in the preceding sections of this Act, it shall be the duty of such council to submit such by-law accordingly, and the said council shall forthwith prepare a by-law in accordance with the prayer of the petition and shall submit the same to the electors of the municipality in the manner provided by *The Municipal Act*.

No. 160.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act allowing Municipalities to adopt
Proportional Representation.

1st Reading, 10th April, 1916.

Mr. PROUDFOOT.

TORONTO:
PRINTED BY A. T. WILKINS,
Printer to the King's Most Excellent Majesty.

BILL

An Act respecting Hotels.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Hotel Act*.

Short title.

2. In this Act

Interpreta-
tion.

(a) "Public accommodation" shall include lodging, meals, recreation and entertainment for the convenience and comfort of the travelling public and the inhabitants of the municipality;

(b) "Public hotel" shall mean a place of public accommodation licensed under the provisions of this Act.

3. The council of every city, town or village may pass by-laws for licensing public hotels and for regulating and governing the conduct, management, appointments and inspection of such hotels, and for revoking or suspending any such license.

Council
may pass
by-laws
for licens-
ing public
hotels.

4. If the licensee of any public hotel is convicted of selling intoxicating liquor contrary to law his license shall be forthwith cancelled by the clerk of the municipality and he shall be disqualified from obtaining a license from any other municipality in Ontario.

Cancell-
ation of
license.

5.—(1) The council of a town or village may pass by-laws

Council
may pass
by-laws.

(a) To grant a sum not exceeding \$200 in any year for the purpose of aiding and assisting in the establishment of a public rest and reading-room in any public hotel;

(b) To grant the exclusive right to a public hotel where there is only one, or limiting the right to public hotels where there are more than one, to sell cigars and cigarettes and soft drinks;

(c) To grant total or partial exemption from all municipal taxation, including school taxes, to or fixing the assessment for all purposes, including school purposes, of any public hotel, including the barns and stables used in connection therewith.

Vote on
exemption
or fixed
assessment,
how
taken.

(2) If the by-law does not grant the exemption or the fixed assessment for a longer period than one year at a time it shall only require the affirmative vote of three-fourths of all the members of the council, but if it grants an exemption or a fixed assessment for more than one year it shall require, in addition to such three-fourths vote, the assent of two-thirds of the electors who vote on the by-law.

Period of
exemption.

(3) The period of the exemption or fixed assessment shall not exceed twenty years.

No. 161.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act respecting Hotels.

1st Reading, 11th April, 1916.

Mr. MARTYN.

TORONTO:
PRINTED BY A. T. WILGESS,
Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the Compulsory School Attendance of Adolescents.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Adolescent School Attendance Act*. 2 Geo. V. c. 77, s. 1. Short title.

2. In this Act,—

(a) “Adolescent” shall mean a person of either sex who is not more than seventeen years of age, and who is exempted from school attendance under *The Truancy Act*;

Interpretation.

“Adolescent.”

Rev. Stat. c. 274.

(b) “Board” shall mean and include a board of education, an urban board of Public School Trustees, and an urban board of Separate School Trustees. 2 Geo. V. c. 77, s. 2.

“Board.”

3.—(1) A board may pass by-laws requiring the attendance of adolescents who are the children of the public or the separate school supporters, as the case may be, at day or night classes or schools to be provided or arranged for by the board or at some other classes or school in the municipality; but a by-law passed by a board of education shall apply only to children of public school supporters.

Powers of board respecting classes for adolescents.

(2) Every such by-law shall be passed at a special meeting of the board called for the purpose of considering the same after public notice of the meeting and of the object thereof has been given at least once a week for four weeks in some newspaper published in the municipality, or if there is no such newspaper, in a daily newspaper published in the Province which has a circulation in the municipality. 2 Geo. V. c. 77, s. 3.

Special meeting for consideration of by-laws.

4. No adolescent shall be compellable to attend classes established under this Act if he

Exemptions from attendance.

- (a) Is declared exempt by by-law under this Act; or
- (b) Has been granted special exemption by the board or committee having the control or management of the classes which he should otherwise attend; or
- (c) Is unable through sickness, infirmity or physical defect to attend such classes; or,
- (d) Has obtained a senior public school diploma or the equivalent thereof. 2 Geo. V. c. 77, s. 9.

Provisions
of by-laws.

5. Subject to the regulations of the Department of Education by-laws may provide for

Compul-
sory at-
tendance.

- (a) The fixing of the age of attendance and the compulsory attendance at schools or classes to be provided or arranged for by the board or at some other school or classes in the municipality of every adolescent who is not otherwise receiving a suitable education or who is not exempt by the by-law;

Courses of
study,—
providing
instructors.

- (b) The maintenance of courses of study under teachers with qualifications approved by the Minister of Education;

Fixing
times of
compulsory
attendance.

- (c) The fixing of the terms and the number of hours in each day and in each week for the compulsory attendance required under the by-law;

Exemptions.

- (d) Exemption from part or full time attendance at a day or night school under conditions satisfactory to the board. 2 Geo. V. c. 77, s. 4.

Limitations
as to courses
of study.

6. The subjects of the courses of study for adolescents shall be selected from those prescribed by the Department of Education for the Public and the Separate Schools; the High Schools; the Art, Industrial, and Technical Schools and Classes; and the Commercial High Schools and the Commercial Departments of the High Schools.

Control of
courses of
study.

7.—(1) Subject to the regulations of the Department of Education courses for adolescents in the Public and Separate Schools respectively, shall be provided by and shall be under the control of the boards of said schools, and those in the High Schools shall be provided by and shall be under the control of the boards of said schools.

Schools and
classes
advisory
industrial
committee.
Rev. Stat.
c. 276.

(2) (a) Where schools or classes have been established under section 4 of *The Industrial Education Act*, the courses of study for adolescents engaged in trades or in industrial or manufacturing occupations, shall be provided by and shall be under the control of the advisory industrial committee.

(b) In a city, town, or village, in which there is a high school, and in which schools or classes have not been established under section 4 of *The Industrial Education Act*, a board which has decided to make such provision for adolescents, may request the board of high school trustees to establish such schools or classes, and in the event of the refusal or neglect of the high school trustees to comply with such request, the council of the municipality, upon the requisition of the board, shall submit to the municipal electors, at the next ensuing general municipal election, in the manner provided by *The Municipal Act*, the question of the establishment of such schools or classes, and if the majority of the electors voting upon such question, signify their approval of the establishment of such schools or classes, the same shall be established in accordance with the provisions of *The Industrial Education Act*.

Requiring high school board to establish.
Rev. Stat. c. 276.

Rev. Stat. c. 192.

Rev. Stat. c. 276.

(3) In a municipality where there is a commercial high school or a commercial department in a high school, the courses for adolescents engaged in commercial occupations shall be provided by and shall be under the control of the advisory commercial committee. 2 Geo. V, c. 77, s. 5.

When to be prepared by advisory commercial committee.

(4) The courses for adolescents shall be subject to such inspection as the Minister may prescribe.

8. Where fees are charged for any of the classes attended by adolescents, such fees may be remitted in their case by the school board or the advisory committee concerned if in its judgment such remission is necessary.

Fees may be remitted.

9. Every by-law passed under this Act shall come into force at the expiration of thirty days from the passing thereof. 2 Geo. V, c. 77, s. 6.

When by-law to come into force.

10. Where a by-law passed under this Act is in force every person who has in his employment any adolescent to whom the by-law applies shall give notice to the board of such employment at such times as the by-law may require, and shall state in such notice the hours during which the adolescent is employed by him. 2 Geo. V, c. 77, s. 10.

Notice by employer of adolescents.

11.—(1) Every person who

Offences—

(a) Fails to give the notice required by section 10; or.

(b) Knowingly employs an adolescent at any time during which his attendance is by the by-law required at classes of instruction; or,

(c) Employs such adolescent for such a number of hours as with the number of hours during which the adolescent is required to attend such classes will exceed in any day or week the number of hours during which such adolescent may be lawfully so employed; or,

(d) Being a parent or guardian of an adolescent has by wilful default or neglect suffered or permitted the employment of the adolescent in violation of any by-law passed under this Act, or suffers or permits such adolescent through want of proper care and control to violate any by-law requiring his attendance at such classes

Penalty.

shall incur a penalty not exceeding \$5 for the first offence and in the case of a second or subsequent offence in relation to the same adolescent or another adolescent shall incur a penalty not exceeding \$25.

Recovery of
Rev. Stat.
c. 90.

(2) The penalties imposed by this section shall be recoverable under *The Ontario Summary Convictions Act*. 2 Geo. V. c. 77, s. 11.

Powers
and duties
of truant
officers.
Rev. Stat.
c. 274.

12. For the purpose of enforcing any by-law passed under this Act the truant officer appointed under *The Truancy Act* shall have the powers and shall perform the duties conferred and imposed upon him by that Act. 2 Geo. V. c. 77, s. 12.

Absence of
holy days
excused.

13. No penalty shall be imposed in respect to the absence of an adolescent from any school or from any classes established under this Act on a day regarded as a holy day by the church or religious denomination to which such adolescent belongs. 2 Geo. V. c. 77, s. 13.

Rev. Stat.
c. 275,
repealed.

14. *The Adolescent School Attendance Act*, Chapter 275 of *The Revised Statutes of Ontario, 1914*, is repealed.

No. 162.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act respecting the Compulsory School
Attendance of Adolescents.

1st Reading, 11th April, 1916.

Mr. PYNE.

TORONTO:
PRINTED BY A. T. WIGGESS,
Printer to the King's Most Excellent Majesty.

BILL

An Act to amend The Assessment Act.

H IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 69 of *The Assessment Act* is amended by adding the following as subsection 3a:—

Rev Stat.
c. 195, s. 69,
amended.

- (3a) In the case of a town, village or township the Court of Revision shall receive as evidence of an application to have the name of any person entered on the roll who is temporarily absent from the municipality an affidavit in form similar to the second Form of Affidavit set out in Form 3 (the necessary changes being made by the use of the third person instead of the first person) of some other person who has and deposes that he has personal knowledge of the matter set forth in the affidavit, if the affidavit is made not earlier than the 10th day next preceding the last day for making complaints to the Court of Revision and is delivered to the clerk before the time for making complaints has expired.

As to temporary absence to be received by Court of Revision as evidence.

No. 163.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act to amend The Assessment Act.

1st Reading, 11th April, 1916.

Mr. McPHERSON.

TORONTO:

PRINTED BY A. T. WILGESS,
Printer to the King's Most Excellent Majesty.

BILL

An Act to amend The Assessment Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 81 of *The Assessment Act* is hereby repealed and the following substituted therefor:—

81.—(1) An appeal shall be to a Divisional Court as hereinafter provided from the judgment of the county judge on a question of law or the construction of a statute, a municipal by-law, any agreement in writing to which the municipality concerned is a party, or any order of the Railway and Municipal Board (except an order made under section 80).

Appeals to Divisional Court in certain matters.

(2) Any party desiring so to appeal to a Divisional Court shall on the hearing of the appeal by the county judge request the judge to make a note of any such question of law or construction, and to state the same in the form of a special case for a Divisional Court.

Noting of question of law or construction by County Judge.

(3) It shall be the duty of the judge to make a note of such request, and he may thereupon state such question in the form of a special case, setting out the facts in evidence relative thereto, and his decision of the same, as well as his decision of the whole matter.

Stating of special case by County Judge.

(4) A copy of such special case, signed by the judge, shall be transmitted to the Divisional Court, and the practice and procedure on the appeal shall be the same, *mutatis mutandis* as upon an appeal from a County Court.

Transmitting special case to Divisional Court.

Direction by
Divisional
Court to
County
Judge
to state
special
case.

- (5) On the application of any party desiring to appeal, and on such notice to the other party and on such evidence as may seem proper to a Divisional Court, that court may if it sees fit direct the county judge to state a special case as in subsection (3) if the county judge on the hearing before him refused to do so.

Statement
of case not
to affect
rolls being
prepared.

- (6) The statement of any such case, or the hearing or argument or other proceeding thereon shall not delay the final revision of the assessment roll or other proceedings thereon; but if by the judgment of the Divisional Court upon the case stated it shall appear that any alteration should be made in the assessment roll respecting the assessment in question, the county judge on being certified thereof shall cause the proper entries to be made in the assessment roll to give effect to such judgment.

Statement
of case
where ap-
peal lies to
Municipal
Board.

- (7) In any case in which an appeal lies from the decision of the county judge to the Railway and Municipal Board, the county judge shall not state a case under this section, unless all the parties consent and request him to do so.

No. 164.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act to amend The Assessment Act.

1st Reading, 13th April, 1916.

Mr. ELLIOTT.

TORONTO:
PRINTED BY A. T. WILGESS,
Printer to the King's Most Excellent Majesty.

BILL

An Act to amend an Act to Authorize and Confirm Grants by Municipal Corporations for Patriotic Purposes.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 1 of *An Act to Authorize and Confirm Grants by Municipal Corporations for Patriotic Purposes*, ^{5 Geo. V, c. 37, s. 1, amended.} is amended by adding thereto the following as clause (i):—

“(i) Any fund established by by-law of any Municipal Corporation to grant aid to the wives, children and dependent relatives of officers and men residents of the municipality who, during the present war, shall die whilst on active service with the naval and military forces of the British Empire and Great Britain’s Allies, such fund to be subject to such conditions and provisos as may be contained in the by-law establishing the same.”

2. The said Act is amended by adding thereto the following as section 2a:— ^{5 Geo. V, c. 37, amended.}

“2a.—(1) In this Act ‘rateable property’ shall include assessment for real property, income and business or other assessment made under *The Assessment Act*, and the amount raised under the authority of this Act shall be raised, levied and collected upon all the rateable property in the municipality by a general rate, and except as to the exemptions from taxation set out in section 5 of *The Assessment Act*, no partial or total exemption from assessment or taxation, and no fixed assessment or other special provision or agreement shall apply to the assessment and collection of such rate, anything in any general or special Act, or in any municipal by-law or resolution, or in any contract, or other instrument, or in any Order of The Ontario Railway and Municipal Board, or otherwise, to the contrary notwithstanding. ^{Rateable property—what to include. Rev. Stat. c. 195.}

Deduction
of debt in
ascertaining
limit of
borrowing
powers.

- "(2) In calculating the amount of the indebtedness of the municipality for the purpose of ascertaining if the limit of its borrowing power, as fixed by any general or special Act, has been reached, any debentures issued under the authority of this Act shall not be reckoned as part of such indebtedness, but shall be excluded in computing the same.

Limit
fixed by
Rev. Stat.
c. 192, s. 297
not to
apply.

- "(3) In calculating whether or not the limit fixed by section 297 of *The Municipal Act* has been reached, any rates levied under the authority of this Act shall be excluded in computing the same."

No. 165.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act to amend an Act to Authorize
and Confirm Grants by Municipal Cor-
porations for Patriotic Purposes.

1st Reading, April 13th, 1916.

Mr. Lucas.

TORONTO:
PRINTED BY A. T. WIGGESS,
Printer to the King's Most Excellent Majesty.

BILL

An Act to regulate the use of the Waters of the Province of Ontario for Power Development Purposes.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Water Powers Regulation Act, 1916*. Short title.

2. In this Act,

Interpre-
tation.

(a) "Power" shall mean and include hydraulic, electrical, or pneumatic power or energy; "Power."

(b) "Owner of a water power" shall mean and include every municipal corporation, company, firm or individual being or claiming to be the owner, lessee, licensee, occupant, tenant, or assignee of a right to use any of the waters of Ontario for the purpose of generating hydraulic, electrical, or pneumatic power or energy under any grant, lease or license from the Crown, or any person, or under contract with, or franchise from any public body representing the Crown or the Province of Ontario or under the general law or any special Act of this Legislature or otherwise; "Owner of a water power."

(c) "Inspector" shall mean a commission, public body, or person designated by the Lieutenant-Governor in Council to act as Inspector under this Act, and shall include the officers, agents and servants of the Inspector employed and acting under the authority and direction of such Inspector; "Inspector."

"Works."

- (d) "Works" shall mean and include every dam, wing dam, forebay, gate, rack, canal, conduit, pipe, aqueduct, penstock, tunnel, and every other work which has been or may be constructed or used for or in connection with the control or diversion of water and the conveying of it to a power house or other place at which power may be generated; and all buildings, structures, plant, machinery, appliances and other works and things now or hereafter used for or appurtenant to the production and generation of power;

"Regulations."

- (e) "Regulations" shall mean regulations made by the Lieutenant-Governor in Council under the authority of this Act.

"Duty of owner as to use of water."

3. It shall be the duty of every owner of a water power to ensure as far as possible the economical and efficient use of the water used by him.

Appointment of Inspector.

4. The Lieutenant-Governor in Council may appoint an Inspector who may, in addition to the powers hereinafter mentioned,

Inspection.

- (a) At all reasonable times enter upon any works, and examine and inspect the same;

Measurements and tests.

- (b) Take such measurements and tests as may be necessary from time to time in order to determine or to fix, as the case may be, in respect of the owner of any water power:

- (i) The quantity of water used, permitted to be used or available for use;
- (ii) Operating head and head losses;
- (iii) Electrical and hydraulic efficiency of main or auxiliary machinery or of any other portion of the works, or of the works as a whole;
- (iv) The amount of power developed, permitted to be developed, or available for development;
- (v) Fix in terms of cubic feet per second the amount of water necessary to use in order to develop or generate any amount of horsepower or to exercise any water rights for any purpose;

(c) Require the production of books, records, charts, ^{Production of records, etc.} readings, maps, plans, load curves and all other documents and records pertaining to the matters to be investigated, enquired into or determined under the provisions of this Act;

(d) If it appears to him that the water permitted to be used is not being utilized with a proper degree of efficiency or economy, or that the works or any part of the works are so constructed, or are of such a type, or have so depreciated that the water cannot be used with a proper degree of efficiency or economy, after giving the interested parties a reasonable opportunity to be heard, order the water to be used, or the machinery or the works or any part of them, to be replaced or removed, altered, or reconstructed as the case may be, in such manner or to such an extent as may be necessary to secure the proper degree of efficient and economical use of the water; and

(e) If any order so made is not carried out within a reasonable time, enter upon the works and, at the expense of the owner of a water power, shut off or reduce the supply of water or close the works or any part thereof in such a manner as to prevent further use until such order has been obeyed. ^{Shutting off water or closing works.}

5.—(1) Where an order made by the Inspector calls for alterations, repairs or improvements in the works involving an estimated expenditure exceeding twenty per cent. of the actual or estimated cost of the then existing works, there may be an appeal from the order of the Inspector to the Lieutenant-Governor in Council, and the Lieutenant-Governor in Council may make such order in the premises as may be deemed meet, which order shall be final. ^{Appeal to Lieutenant-Governor in Council.}

(2) Upon such appeal, if the Lieutenant-Governor in Council is of the opinion that the additions, alterations or improvements required to be made in the works will be of material public advantage, by reason of the more efficient or economical use of the water, and that the owner of the water power will not presently receive a corresponding commercial advantage from such alterations or improvements, the Lieutenant-Governor in Council may direct a reference to determine what compensation, if any, should be made to the owner of the water power by reason of his being compelled to make such additions, alterations or improvements: ^{Reference to determine compensation where owner not commercially benefited by alterations, etc.}

and upon such reference all the circumstances shall be taken into account and if the referee is of opinion that the owner is entitled to compensation the referee may fix the amount thereof at such sum as he may deem just and reasonable, and upon the owner carrying out the order of the Inspector or of the Lieutenant-Governor in Council, the amount so awarded shall be payable to the owner in the same manner as a judgment recovered against the Crown in any court in Ontario.

Duty of owner as to inspection.

6. It shall be the duty of the owner of a water power, subject to the right of appeal hereinbefore given, to obey at all times the orders of the Inspector and to afford every facility for carrying out this Act and the regulations, and every owner of a water power who neglects or refuses to carry out any such order, or who obstructs or hinders or delays the Inspector or refuses to furnish him with such information and records as he may require, shall incur a penalty of not less than \$300 nor more than \$2,000, and each and every day on which such offence is committed or continued shall be deemed to create a separate offence.

Penalty.

Fixing quantity of water to be taken in exercise of rights.

7. Where any lease, license, Order in Council or other instrument or any general or special statutory provision confers or purports to confer the right to develop or generate power measured expressly or impliedly in horsepower, or where any such instrument or provision confers or purports to confer a right of diversion or use of water defined wholly or in part by the character, location or dimensions of works, the Inspector may fix in terms of cubic feet per second the amount of water which it is necessary to use in order to develop or generate such power or to exercise such right, having regard to the location of the works and to all the circumstances of the case, and to the degree of efficiency which the owner of the water power should be required to maintain in the premises.

Submission and approval of plans.

8. Every owner of a water power, before proceeding with the construction of any works or any alteration or extension of existing works or with the purchase or installation of new works, shall submit to the Inspector plans and specifications showing the details of the proposed construction, alteration or extension or of the new works proposed to be purchased or installed, and he shall not proceed therewith or let contracts therefor until such plans and specifications have been approved by the Inspector.

Limitation and definition of rights by Lieutenant-Governor in Council.

9.—(1) Where the rights of the owner of a water power to use water for the purpose of generating power do not appear to be expressly or impliedly limited by any stipulation as to the quantity of water to be used or as to the amount of

horsepower which may be generated or otherwise, and the Lieutenant-Governor in Council deems it desirable in the public interest that such rights should be specifically limited and defined, he may direct the Inspector to enquire and report as to (1) the amount of power which the owner of a water power is authorized to generate under any contract, lease, license or other instrument, or under any general or special Act of this Legislature or otherwise, and (2) as to the quantity of water which it is necessary, having due regard to efficiency and economy in development, to use for the purpose of generating such amount of power, and upon such report the Lieutenant-Governor in Council may fix and determine, in horsepower, the amount of power which the owner shall generate and in terms of cubic feet per second the amount of water which it is necessary to use in order to develop or generate such power.

(2) If the owner is dissatisfied with the construction so placed upon his rights, or with such limitation and definition, the Lieutenant-Governor in Council may, upon the application of the owner, direct a reference to ascertain what rights, if any, have been restricted or impaired by such limitation and definition, and if it is found that such rights exist, and that they are so restricted or impaired, to ascertain the compensation that should be paid to such owner for such restriction or impairment.

Reference to ascertain rights affected.

(3) The amount of the compensation awarded to the owner upon such reference shall be paid to him in the same manner as the amount of a judgment recovered against the Crown.

Payment of compensation.

10.—(1) Where the Lieutenant-Governor in Council deems that the public interest requires that any rights heretofore conferred upon the owner of a water power should be restricted or limited in any particular, he may by Order-in-Council limit, define or restrict such rights to the construction, operation and use of such works only as may be deemed expedient in the public interest.

Limitation of rights of owner by Order-in-Council.

(2) If the owner deems himself aggrieved by any such limitation, definition or restriction, the Lieutenant-Governor in Council may direct a reference to determine what compensation, if any, should be paid to the owner, and the referee shall have the like powers and shall proceed in the same manner, and the amount awarded shall be payable in the same way as in the case of a reference under section 9.

Reference to determine compensation.

Matters to
be consid-
ered on
reference.

11.—(1) Upon any reference under this Act, the referee shall take into consideration

- (a) The conditions under which any rights to generate or develop power were originally obtained;
- (b) The consideration paid or agreed to therefor;
- (c) The capital invested in any works by the owner of a water power;
- (d) The circumstances which render any limitation or restriction of such rights necessary and desirable in the public interest.

Powers of
Commis-
sioner.

(2) The referee, upon any inquiry under this Act directed by the Lieutenant-Governor in Council, shall have all the powers which may be conferred upon a commissioner under *The Public Inquiries Act*.

Rev. Stat.
c. 18.

Regula-
tions by
Lieutenant-
Governor
in Council.

12. The Lieutenant-Governor in Council may make regulations respecting

- (a) The procedure to be followed by the Inspector and for conferring upon him the powers of a commissioner under *The Public Inquiries Act*;
- (b) The form and term of notices to be given by the Inspector and the enforcement of his orders;
- (c) The appointment of officers, servants and agents by the Inspector and their duties and powers;
- (d) The procedure to be followed upon any appeal from an order of the Inspector;
- (e) Any returns to be made by the owner of a water power and the particulars to be stated in such returns;
- (f) The better carrying out of the provisions of this Act in general.

Rev. Stat.
c. 18.

No. 166.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act to regulate the use of the Waters
of the Province of Ontario for Power
Development Purposes.

1st Reading, April 13th, 1916

Mr. Lucas.

TORONTO:
PRINTED BY A. T. WILGESS,
Printer to the King's Most Excellent Majesty.

BILL

An Act to amend the Hydro-Electric Railway Act and to confirm certain By-laws and Contracts.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Hydro-Electric Railway Act, 1916*. Short title.

2. Subsections 4 and 5 of section 4 of *The Hydro-Electric Railway Act, 1914*, are repealed and the following substituted therefor:— ⁴ Geo. V., c. 31, s. 4, subs. 4, 5, repealed.

(4) The agreement shall not be submitted to the electors nor shall any by-law for that purpose be proceeded with by the council of the corporation until the terms thereof have been submitted to and have received the sanction of the Lieutenant-Governor in Council. By-law and agreement to be first approved by Lieutenant-Governor in Council.

(5) After such sanction shall have been obtained the council of the municipal corporation or of each of the municipal corporations interested may submit to the vote of the municipal electors authorized to vote on money by-laws, a by-law approving of the agreement and directing its execution, and if a majority of such electors vote in favour of the by-law, the council shall pass the same and the agreement shall be executed as directed by the by-law. Submission of by-law.

(a) The by-law shall not be voted upon by the electors until at least three months have expired since the date of the sanctioning of the agreement by the Lieutenant-Governor in Council nor until the by-law and agreement have been published in the manner provided by *The Municipal Act* in the case of money by-laws, at least once a week for four successive weeks.

4 Geo. V.,
c. 31, s. 4,
subs. 6,
amended.
5 Geo. V.,
c. 32.

3. Subsection 6 of section 4 of *The Hydro-Electric Railway Act, 1914*, as enacted by section 3 of *The Hydro-Electric Railway Act, 1915*, is repealed, and the following substituted therefor:—

Acquiring
running
rights, etc.

6. The agreement may include in its terms the purchase or leasing or obtaining running rights over any steam railway, electrical railway, or street railway or any part thereof, as part of the line of railway to be constructed and operated by the Commission.

Municipal
corporation
not to sell,
etc., any
railway
without
assent of
electors.

4. Notwithstanding anything contained in any general or special Act heretofore passed by this Legislature, a municipal corporation shall not sell or otherwise dispose of any steam railway, electrical railway or street railway owned by it or of which it has acquired control by foreclosure or other proceedings or under the provisions of any special Act, unless and until a by-law authorizing such sale or other disposal has been submitted to and has received the assent of the municipal electors qualified to vote on money by-laws according to the provisions of *The Municipal Act*.

Rev. Stat.
c. 192.

By-law
approved.

5.—(1). The by-law, the form of which is set out in Schedule "A" to this Act, and which has been heretofore submitted to the vote of the municipal electors of the municipalities named in Schedule "B" to this Act, is declared to have been so submitted in due compliance with the provisions of *The Hydro-Electric Railway Act, 1914*, and when finally passed by the council of any of the municipalities named in the contract appended to the by-law shall be legal, valid and binding upon the corporation and the ratepayers thereof, anything in any general or special Act of this Legislature to the contrary notwithstanding.

4 Geo. V.,
c. 31.

Council to
pass by-law
when
assented to.

(2) It shall be the duty of the council of every municipality in which such by-law has been approved, or shall hereafter be approved by the electors, to finally pass the by-law and give effect to the same.

By-laws
heretofore
passed con-
firmed.

(3) The by-laws enumerated in Schedule "B" are confirmed and declared to be legal, valid and binding upon the respective corporations named in Schedule "B" and the ratepayers thereof, anything in any general or special Act relating to such corporation to the contrary notwithstanding.

6. Subject to the provisions hereinafter contained, the contract set out in Schedule "A" to this Act, and purporting to be made between the Hydro-Electric Power Commission of Ontario, of the first part, and certain municipal corporations shall be deemed to have been made in pursuance of *The Hydro-Electric Railway Act, 1914*, and to comply with the provisions thereof, and the said contract shall be legal, valid and binding upon the Commission and upon every municipal corporation a party thereto and executing the same, anything in the said Act or in any other general or special Act of this Legislature to the contrary notwithstanding.

Agreement confirmed.

7. It shall be the duty of the head and the clerk or treasurer of each of the said municipal corporations to sign the said contract and affix the seal of the corporation thereto within three weeks after the passing of the by-law approving of the same, whether the same shall have been so submitted before or after the passing of this Act.

Execution of agreement.

8. Notwithstanding anything in *The Municipal Act* contained, debentures issued or purporting to be issued by a municipal corporation under the authority of *The Hydro-Electric Railway Act, 1914*, for the purpose of carrying out any contract entered into with the Commission under the authority of the said Act shall not be included in ascertaining the limit of the borrowing powers of the Corporation as prescribed by *The Municipal Act*.

Debentures issued under 4 Geo. V., c. 31, not to be included in municipal debt for certain purposes.

9. Notwithstanding anything in this Act, or in *The Hydro-Electric Railway Act, 1914*, or the amendments thereto—

4 Geo. V., c. 31, where work under contract may be proceeded with.

- a. No bonds shall be issued for, nor shall any work be undertaken, or expense incurred upon the railways provided for in the contract mentioned in Section 6, until after the close of the present war; and
- b. No such bonds shall be issued, or work undertaken, or expense incurred thereafter, except at such times and to such amount or extent, and within such periods as may be authorized from time to time by the Lieutenant-Governor in Council;

but the Lieutenant-Governor in Council may, at any time after the passing of this Act, authorize the Commission to enter into agreements for the purchase of the right of way, for any part of such railways, or for the procuring of options therefor.

SCHEDULE "A."

MUNICIPALITY OF THE

OF

BY-LAW No.

A By-law to authorize a certain agreement made between The Hydro-Electric Power Commission of Ontario and the Municipal Corporation of the of , and other municipal corporations, for the construction, equipment and operation of an Electric Railway under *The Hydro-Electric Railway Act, 1914*, and amendments thereto.

Whereas it is expedient that the Corporation of the of , and other municipal corporations should enter into an agreement under *The Hydro-Electric Railway Act, 1914*, and amendments thereto, with the Hydro-Electric Power Commission of Ontario, hereinafter called the Commission, for the construction, equipment and operation of an electric railway in and through the Municipality of the of , and certain other municipalities, upon the terms and conditions and subject to the provisions set forth and contained in the agreement set out in this by-law, and according to the routes set forth in Schedule "A" to the said agreement;

And whereas the estimated cost of the work under the said agreement is \$13,734,155: and whereas the portion of the cost of the construction and equipment of the line to be borne by the Corporation of the Municipality of the of is estimated at \$, as set out in Schedule "B" to the said agreement, subject to adjustments and apportionment between the Corporations by the Commission from time to time, as provided by the said agreement;

And whereas the total amount estimated to be required for the maintenance of the railway, apart from operating expenses, is \$214,583 (the operating revenue being estimated at \$1,692,175, and operation and maintenance at \$817,025);

And whereas the total annual amount estimated to be required, for the period of ten years immediately following the date of the issue of the bonds to be issued under the said agreement, for interest on the said bonds, is \$686,708; and thereafter, for the next ensuing forty years, the annual amount estimated to be required for sinking fund charges for the retirement of the said bonds is \$137,342, and for interest on the said bonds \$686,708;

And whereas the portion to be borne by the Municipality of the of of the said annual amounts estimated to be required for maintenance, sinking fund charges and interest is estimated at \$ for the first ten years, as aforesaid, and thereafter at \$ on the same basis as the portion of the cost of construction and equipment, as aforesaid, subject to adjustments and apportionment between the Corporations by the Commission from time to time as provided by the said agreement;

And whereas the amount of the whole rateable property of the Corporation according to the last revised assessment roll is \$, and the amount of the debenture debt of the Corporation is \$, of which neither principal nor interest is in arrear;

And whereas only a portion of the Municipality of the of as enumerated in Schedule "C" to the said agreement, is served by said railway;

Therefore the Municipal Council of the Corporation of the of enacts as follows:—

1. It shall be lawful for the Corporation of the of , and the said Corporation is hereby authorized

to enter into the following agreement with the Hydro-Electric Power Corporation of Ontario and other corporations, the said agreement being hereby incorporated into and forming a part of this by-law, and the _____ and Clerk of the Corporation are hereby authorized and directed to execute the said agreement upon behalf of this Corporation and to attach the Seal of the Corporation thereto.

2. Only those duly qualified electors residing in the _____ of _____, in the district enumerated in Schedule "C" of said agreement shall be entitled to vote on the By-law, and any rate required to be levied for payment of debentures or interest thereon shall be raised, levied and collected from the rateable property in such district only.

AGREEMENT HEREINBEFORE REFERRED TO.

This indenture made the _____ day of _____ in the year _____ of our Lord, one thousand nine hundred and _____

Between

The Hydro-Electric Power Commission of Ontario (hereinafter called the "Commission") of the first part;

and

The Municipal Corporations of the Township of London, the Township of Trafalgar, the Township of Waterloo, the Township of Blanshard, the Township of Wilmot, the Township of Downie, the Township of South Easthope, the Township of Toronto, the Township of Nassagawaya, the Township of Guelph, the Township of Etobicoke, the Township of North Easthope, the Township of Biddulph, the Township of Esquesing, the Township of Puslinch, the Township of Eramosa, the Township of Nelson, the Township of Ellice, the Township of East Zorra, the City of Toronto, the City of London, the City of Berlin, the City of Guelph, the City of Stratford, the Town of Waterloo, the Town of St. Mary's, the Town of Milton, the Village of Mimico, the Village of New Toronto, the Village of Port Credit, and the Village of New Hamburg (hereinafter called the "Corporations"), of the second part.

Whereas pursuant to the *Hydro-Electric Railway Act, 1914*, and amendments thereto, the Commission was requested to enquire into, examine, investigate and report upon the cost of construction and operation of an electric railway or railways to be constructed through certain districts in which the Corporations are situated, together with the probable revenue that would result from the operation of such railway or railways;

And whereas the Commission has furnished the Corporations with such a report showing (1) the total estimated cost, operating revenue and expenses of the railway or railways, and (2) the proportion of the capital cost to be borne by each of the Corporations as set forth in Schedule "B" attached hereto;

And whereas on receipt of the said report the Corporations requested the Commission to construct, equip and operate a system of electric railways (hereinafter called the railway) over the routes laid down in Schedule "A" attached hereto, upon the terms and conditions and in the manner herein set forth;

And whereas the Commission has agreed with the Corporations on behalf of the Corporations to construct, equip and operate the railway upon the terms and conditions and in the manner herein

set forth; but upon the express conditions that the Commission shall not in any way be liable by reason of any error or omission in any estimates, plans or specifications for any financial or other obligation or loss whatsoever by virtue of this agreement or arising out of the performance of the terms thereof;

And whereas the electors of each of the Corporations have assented to by-laws authorizing the Corporations to enter into this agreement with the Commission for the construction, equipment and operation of the railway as laid down in the said schedules, subject to the following terms and conditions;

And whereas the Corporations have each issued debentures for the amounts set forth in Schedule "B" attached hereto, and have deposited the said debentures with the Commission;

Now, therefore, this indenture witnesseth:—

1. In consideration of the premises and of the agreements of the Corporations herein contained, and subject to the provisions of the said Act and amendments thereto, the Commission agrees with the Corporations respectively:—

(a) To construct, equip and operate the railway through the districts in which the Corporations are situate on behalf of the Corporations;

(b) To construct and operate the railway over the routes laid down in Schedule "A";

(c) To issue bonds, as provided in paragraph 3 of this agreement, to cover the cost of constructing and equipping the railway;

(d) To furnish as far as possible first-class modern and standard equipment for use on the railway, to operate this equipment so as to give the best service and accommodation possible, having regard to the district served, the type of construction and equipment adopted and all other equitable conditions, and to exercise all due skill and diligence so as to secure the most effective operation and service of the railway consistent with good management;

(e) To regulate and fix the fares and rates of toll to be collected by the railway for all classes of service;

(f) To utilize the routes and property of the railway for all purposes from which it is possible to obtain a profit;

(g) To combine the property and works of the railway and the power lines of the Commission where such combination is feasible and may prove economical to both the railway and the users of the power lines;

(h) To permit and obtain interchange of traffic with other railways wherever possible and profitable;

(i) To supply electrical power or energy for operation of the railway at rates consistent with those charged to municipal corporations;

(j) To apportion annually the capital costs and operating expenses of all works, apparatus and plant used by the railway in common with the Commission's transmission lines in a fair manner, having regard to the service furnished by the expenditure under consideration;

(k) To apply the revenue derived from operation of the railway and any other revenue derived from the undertaking to the payment of operating expenses (including electrical power), the cost of

administration, and annual charges for interest and sinking fund on the money invested, and such other deductions as are herein provided for;

(l) To set aside from any revenue thereafter remaining an annual sum for the renewal of any works belonging in whole or in part to the undertaking;

(m) To pay over annually to the Corporations, if deemed advisable by the Commission in the interests of the undertaking, any surplus that may remain after providing for the items above mentioned. The division of such surplus between the Corporations to be fixed by the Commission on an equitable basis, having regard in the case of each Corporation to the capital invested, the service rendered, the comparative benefits derived, and all other like conditions;

(n) To take active steps for the purpose of constructing, equipping and operating the railway at the earliest possible date after the execution of this agreement by the Corporations and the deposit of the debentures as called for under clause 2 (b) hereof and to commence operation of each section as soon as possible after its completion;

(o) To make such extensions of the railway described in Schedule "A" as may appear advantageous and profitable from time to time.

2. In consideration of the premises and of the agreements herein set forth, each of the Corporations, for itself, and not one for the other, agrees with the Commission:

(a) To bear its share of the cost of constructing, equipping, operating, maintaining, repairing, renewing and insuring the railway and its property and works as established by the Commission, subject to adjustments and apportionment between the Corporations by the Commission from time to time;

(b) To issue debentures for the amounts set forth in Schedule "B" maturing in fifty years from the date of issue thereof, and payable yearly at the Bank, at Toronto, Ontario. Such debentures shall be deposited with the Commission previous to the issuing of the bonds mentioned above, and may be held or disposed of from time to time by the Commission, as provided for in clause 4 hereof, in such amounts, at such rates of discount or premium, and on such terms and conditions as the Commission in its sole discretion shall deem to be in the interests of the railway, the proceeds of such debentures being used solely for the purposes herein contained. The amount of debentures of each Corporation sold or disposed of from time to time shall be such proportion as may be fixed by the Commission of the total amount of debentures, due regard being given to the capital invested, the service rendered, the comparative revenue derived, and all other equitable conditions;

(c) To make no agreement or arrangement with, and to grant no bonus, license or other inducement to any other railway or transportation company without the written consent of the Commission;

(d) To keep, observe and perform the covenants, provisoes and conditions set forth in this agreement intended to be kept and observed and performed by the Corporations, and to execute such further or other documents and to pass such by-laws as may be requested by the Commission for the purpose of fully effectuating the objects and intent of this agreement;

(e) To furnish a free right of way for the railway and for the power lines of the Commission over any property of the Corporations upon being so requested by the Commission, and to execute such conveyance thereof or agreement with regard thereto as may be desired by the Commission.

3. It shall be lawful and the Commission is hereby authorized to create or cause to be created an issue of bonds, and to sell or dispose of the same on behalf of the Corporations. Such bonds to be charged upon and secured by the railway, and all the assets, rights, privileges, revenues, works, property and effects belonging thereto or held or used in connection with the railway constructed, acquired, operated and maintained by the Commission under this agreement, and to be for the total amounts mentioned in Schedule "B" hereto attached; provided that the Commission may, upon obtaining the consent as herein defined of the majority of the Corporations, increase the said bond issue by any amount necessary to cover the capital cost of extending the railway, and may also without such consent increase the said bond issue to cover the cost of additional works or equipment of any kind for use on the railway to an extent not exceeding ten per cent. (10%) of the bonds issued from time to time. In order to meet and pay such bonds and interest as the same becomes due and payable the Commission shall in each year after the expiration of ten years from the date of the issue of the bonds out of the revenue of the railway after payments of operating expenses (including electrical power) and the cost of administration set aside a sufficient sum to provide a sinking fund for the purpose of redeeming the same at maturity. Debentures issued by the Corporations in compliance with clause 2 (b) hereof, shall, to the extent of the par value of any bonds outstanding from time to time, be held or disposed of by the Commission in trust for the holders of such bonds as collateral security for payment thereof, it being understood and agreed that in the event of any increase of the said bond issue each Corporation shall, upon the request of the Commission, deposit with the Commission additional debentures as described in clause 2 (b) hereof, to be held or disposed of by the Commission as collateral security for such increase of the said bond issue, and that any debentures held by the Commission in excess of the par value of the outstanding bonds from time to time may be held or disposed of by the Commission to secure payment of any deficit arising from the operation of the railway.

4. In the event of the revenue derived from the operation of the undertaking being insufficient in any year to meet the operating expenses (including electrical power), the cost of administration and the annual charges for interest and sinking fund on the bonds, and for the renewal of any works belonging in whole or in part to the railway, such deficit shall be paid to the Commission by the Corporations upon demand of and in the proportion adjusted by the Commission. In the event of the failure of any Corporation to pay its share of such a deficit as adjusted by the Commission, it shall be lawful for the Commission in the manner provided in clause 2 (b) to dispose of debentures held by the Commission as security for any such deficit. Any arrears by any Corporation shall bear interest at the legal rate.

5. Should any Corporation fail to perform any of the obligations to the Commission under this agreement, the Commission may, in addition to all other remedies and without notice, discontinue the service of the railway to such Corporation in default until the said obligation has been fulfilled, and no such discontinuance of service shall relieve the Corporation in default from the performance of the covenants, provisions and conditions herein contained.

6. In case the Commission shall at any time or times be prevented from operating the railway or any part thereof by strike, lockout, riot, fire, invasion, explosion, act of God, or the King's enemies, or any other cause reasonably beyond its control, then the Commission shall not be bound to operate the railway or such part thereof during such time; but the Corporations shall not be relieved from any liability or payment under this agreement, and as soon as the cause of such interruption is removed the Commission shall, without any delay, continue full operation of the railway, and each of the Corporations shall be prompt and diligent in doing everything in its power to remove and overcome any such cause or causes of interruption.

7. It shall be lawful for, and the Corporations hereby authorize the Commission to unite the business of the railway with that of any other railway system operated in whole or in part by the Commission, and to exchange equipment and operators from one system to the other, proper provision being made so that each system shall pay its proportionate share of the cost of any equipment used in common.

8. If at any time any other municipal corporation applies to the Commission for an extension of the railway into its municipality the Commission shall notify the applicant and the Corporations, in writing, of a time and place to hear all the representations that may be made as to the terms and conditions relating to such proposed extension. If, on the recommendation of the Commission, such extension shall be authorized, without discrimination in favour of the applicant, as to the cost incurred or to be incurred for or by reason of any such extension, the Commission may extend the railway upon such terms and conditions as may appear equitable to the Commission.

No such application for an extension of the railway into any municipality the Corporation of which is not a party to this agreement shall be granted if it is estimated by the Commission that the cost of service of the railway to the Corporations parties hereto will be thereby increased or the revenue and accommodation be injuriously affected without the written consent of the majority of the Corporations parties hereto.

9. The consent of any Corporation required under this agreement shall mean the consent of the council of such Corporations, such consent being in the form of a municipal by-law duly passed by the council of the Corporation.

10. The Commission shall, at least annually, adjust and apportion between the Corporations the cost of construction, equipment operation, interest, sinking fund, and also the cost of renewing the property of the railway.

11. Every railway and all the works, property and effects held and used in connection therewith, constructed, acquired, operated and maintained by the Commission under this agreement and the said Act shall be vested in the Commission on behalf of the Corporations; but the Commission shall be entitled to a lien upon the same for all money expended by the Commission under this agreement and not repaid.

12. Each of the Corporations covenants and agrees with the other:

(a) To carry out the agreements and provisions herein contained;

(b) To co-operate by all means in its power at all times with the Commission to create the most favourable conditions for the carrying out of the objects of the agreement and of the said Act, and to increase the revenue of the railway and ensure its success.

13. In the event of any difference between the Corporations the Commission may, upon application, fix a time and place to hear all representations that may be made by the parties, and the Commission shall adjust such differences, and such adjustments shall be final. The Commission shall have all the powers that may be conferred upon a commissioner appointed under *The Act Respecting Enquiries Concerning Public Matters*.

14. This agreement shall continue and extend for a period of fifty years from the date hereof, and at the expiration thereof be subject to renewal, with the consent of the Corporations from time to time for like periods of fifty years, subject to adjustment and re-apportionment as herein provided for the purposes of this agreement as though the terms hereof had not expired. At the expiration of this

agreement the Commission shall determine and adjust the rights of the Corporations, having regard to the amounts paid or assumed by them respectively under the terms of this agreement, and such other considerations as may appear equitable to the Commission and are approved by the Lieutenant-Governor in Council.

15. It is understood and agreed that the rates imposed for the share of the cost to be borne by those municipalities listed in Schedule "C" attached hereto, shall be imposed upon the rateable property set forth respectively in the said schedule.

16. This agreement shall not come into effect until it has been sanctioned by the Lieutenant-Governor in Council.

In witness whereof the Commission and the Corporations have respectively affixed their corporate seals and the hands of their proper officers.

SCHEDULE "A."

ROUTES:

Toronto Terminal-Humber River Section:

From the passenger terminal located near the foot of Yonge Street the line will run westerly to Sunnyside, using Harbour Board property and private right-of-way wherever possible; thence to the Humber River the line will parallel the G.T.R., as at present constructed.

Humber River-Port Credit Section:

From the west limits of the City of Toronto at the Humber River, the line runs westerly parallel to the G.T.R. main line. It crosses the Credit River at a point between the Lake Shore Road and the G.T.R.

Port Credit-Milton Section:

Leaving Port Credit the line crosses the G.T.R. about one mile west, running thence to a point north of Sheridan P.O., and from there directly to Milton.

Milton-Guelph Section:

Crossing the C.P.R. west of the C.P.R. station at Milton, location runs to Township of Esquesing, thence to Township of Nassagaweya, thence to Township of Puslinch, and thence in the general direction of the Eramosa River to Guelph.

Guelph-Berlin Section:

From Guelph the line continues to Berlin, leaving Guelph in a westerly direction and entering Berlin from the north-east. The location lies north of the present G.T.R. between Guelph and Berlin.

Berlin-Stratford Section:

From Berlin the line runs to the G.T.R. main line, which it parallels to a point near Baden, and thence south of the G.T.R. to a point east of Stratford, where it will cross the G. T. R. and enter the city.

Stratford-St. Mary's Section:

From Stratford the line runs in a westerly direction parallel to the old main line of the G.T.R. to a point north of St. Mary's.

St. Mary's-London Section:

The line runs in a south-westerly direction through St. Mary's and thence westerly, crossing the Canadian Pacific Railway at grade, and over the Thames River, running thence parallel to the old main line of the Grand Trunk Railway to a point near Granton; thence in a southerly direction through Biddulph Township to the northern boundary of London Township; thence in a south-easterly direction from concessions 14 to 10, inclusive, in London Township. From this point the line runs in a southerly direction through concessions 9 to 4, inclusive; thence following the Thames River through concessions 3 to 1, inclusive, in London Township, to a point between the Sarnia road and the Thames River, a short distance west of the Warncliffe road outside of the north-westerly boundary line of the City of London. Thence the road runs in a south-easterly direction over private property and city streets, crossing over the Thames River in the City of London, to a point on Bathurst Street; thence easterly along Bathurst Street to the London & Port Stanley Railway, which at present terminates on Bathurst Street, immediately east of Richmond Street.

SCHEDULE "B."

Total amount of debentures to be issued by respective municipalities for deposit with the Commission under clause 2 (b).

Name of Municipal Corporation:	
Township of London	\$630,389
Township of Trafalgar	578,921
Township of Waterloo	521,903
Township of Blanshard	402,909
Township of Wilmet	479,065
Township of Downie	418,735
Township of South Easthope	316,262
Township of Toronto	345,355
Township of Nassagaweya	343,147
Township of Guelph	361,025
Township of Etobicoke	401,335
Township of North Easthope	248,585
Township of Biddulph	142,166
Township of Esquesing	91,922
Township of Puslinch	70,300
Township of Eramosa	42,180
Township of Nelson	31,130
Township of Ellice	33,100
Township of East Zorra	39,000
City of Toronto	4,240,196
City of London	1,109,303
City of Berlin	774,040
City of Guelph	734,862
City of Stratford	651,735
Town of Waterloo	193,900
Town of St. Mary's	153,940
Town of Milton	65,000
Village of Mimico	111,200
Village of New Toronto	82,250
Village of Port Credit	54,050
Village of New Hamburg	66,250

Total amount of bonds to be issued,
mentioned in clause 3\$13,734,155

SCHEDULE "C."

Districts, rateable property of which shall bear rate levied against the Corporation:

Name of Municipal Corporation: _____

Made, passed and entered this _____ day of _____ 191 _____

.....*Reeve (Mayor).*

.....*Clerk.*

SCHEDULE "B."

By-law No. _____, of the Municipal Corporation of the Township of London, to authorize a certain agreement made between the Hydro-Electric Power Commission of Ontario and the Municipal Corporation of the Township of London and other Municipal Corporations, for the construction, equipment and operation of an electric railway under *The Hydro-Electric Railway Act, 1914*, and amendments thereto.

SCHEDULE "B."

By-law No. _____, of the Municipal Corporation of the Township of Trafalgar, to authorize a certain agreement made between the Hydro-Electric Power Commission of Ontario and the Municipal Corporation of the Township of Trafalgar and other Municipal Corporations, for the construction, equipment and operation of an electric railway under *The Hydro-Electric Railway Act, 1914*, and amendments thereto.

SCHEDULE "B."

By-law No. _____, of the Municipal Corporation of the Township of Wilmot, to authorize a certain agreement made between the Hydro-Electric Power Commission of Ontario and the Municipal Corporation of the Township of Wilmot and other Municipal Corporations, for the construction, equipment and operation of an electric railway under *The Hydro-Electric Railway Act, 1914*, and amendments thereto.

SCHEDULE "B."

By-law No. _____, of the Municipal Corporation of the Township of Downie, to authorize a certain agreement made between the Hydro-Electric Power Commission of Ontario and the Municipal Corporation of the Township of Downie and other Municipal Corporations, for the construction, equipment and operation of an electric railway under *The Hydro-Electric Railway Act, 1914*, and amendments thereto.

SCHEDULE "B."

By-law No. _____, of the Municipal Corporation of the Township of Toronto, to authorize a certain agreement made between the

Hydro-Electric Power Commission of Ontario and the Municipal Corporation of the Township of Toronto and other Municipal Corporations, for the construction, equipment and operation of an electric railway under *The Hydro-Electric Railway Act, 1914*, and amendments thereto.

SCHEDULE "B."

By-law No. , of the Municipal Corporation of the Township of Nassagaweya, to authorize a certain agreement made between the Hydro-Electric Power Commission of Ontario and the Municipal Corporation of the Township of Nassagaweya and other Municipal Corporations, for the construction, equipment and operation of an electric railway under *The Hydro-Electric Railway Act, 1914*, and amendments thereto.

SCHEDULE "B."

By-law No. , of the Municipal Corporation of the Township of Guelph, to authorize a certain agreement made between the Hydro-Electric Power Commission of Ontario and the Municipal Corporation of the Township of Guelph and other Municipal Corporations, for the construction, equipment and operation of an electric railway under *The Hydro-Electric Railway Act, 1914*, and amendments thereto.

SCHEDULE "B."

By-law No. , of the Municipal Corporation of the Township of Etobicoke, to authorize a certain agreement made between the Hydro-Electric Power Commission of Ontario and the Municipal Corporation of the Township of Etobicoke and other Municipal Corporations, for the construction, equipment and operation of an electric railway under *The Hydro-Electric Railway Act, 1914*, and amendments thereto.

SCHEDULE "B."

By-law No. , of the Municipal Corporation of the Township of Biddulph, to authorize a certain agreement made between the Hydro-Electric Power Commission of Ontario and the Municipal Corporation of the Township of Biddulph and other Municipal Corporations, for the construction, equipment and operation of an electric railway under *The Hydro-Electric Railway Act, 1914*, and amendments thereto.

SCHEDULE "B."

By-law No. , of the Municipal Corporation of the Township of Esquesing, to authorize a certain agreement made between the Hydro-Electric Power Commission of Ontario and the Municipal Corporation of the Township of Esquesing and other Municipal Corporations, for the construction, equipment and operation of an electric railway under *The Hydro-Electric Railway Act, 1914*, and amendments thereto.

SCHEDULE "B."

By-law No. , of the Municipal Corporation of the City of Toronto, to authorize a certain agreement made between the Hydro-Electric Power Commission of Ontario and the Municipal Corporation of the City of Toronto and other Municipal Corporations, for the construction, equipment and operation of an electric railway under *The Hydro-Electric Railway Act, 1914*, and amendments

SCHEDULE "B."

By-law No. . . . , of the Municipal Corporation of the City of London, to authorize a certain agreement made between the Hydro-Electric Power Commission of Ontario and the Municipal Corporation of the City of London and other Municipal Corporations, for the construction, equipment and operation of an electric railway under *The Hydro-Electric Railway Act, 1914*, and amendments thereto.

SCHEDULE "B."

By-law No. . . . , of the Municipal Corporation of the City of Berlin, to authorize a certain agreement made between the Hydro-Electric Power Commission of Ontario and the Municipal Corporation of the City of Berlin and other Municipal Corporations, for the construction, equipment and operation of an electric railway under *The Hydro-Electric Railway Act, 1914*, and amendments thereto.

SCHEDULE "B."

By-law No. . . . , of the Municipal Corporation of the City of Guelph, to authorize a certain agreement made between the Hydro-Electric Power Commission of Ontario and the Municipal Corporation of the City of Guelph and other Municipal Corporations, for the construction, equipment and operation of an electric railway under *The Hydro-Electric Railway Act, 1914*, and amendments thereto.

SCHEDULE "B."

By-law No. . . . , of the Municipal Corporation of the City of Stratford, to authorize a certain agreement made between the Hydro-Electric Power Commission of Ontario and the Municipal Corporation of the City of Stratford and other Municipal Corporations, for the construction, equipment and operation of an electric railway under *The Hydro-Electric Railway Act, 1914*, and amendments thereto.

SCHEDULE "B."

By-law No. . . . , of the Municipal Corporation of the Town of Waterloo, to authorize a certain agreement made between the Hydro-Electric Power Commission of Ontario and the Municipal Corporation of the Town of Waterloo and other Municipal Corporations, for the construction, equipment and operation of an electric railway under *The Hydro-Electric Railway Act, 1914*, and amendments thereto.

SCHEDULE "B."

By-law No. . . . , of the Municipal Corporation of the Town of St. Mary's, to authorize a certain agreement made between the Hydro-Electric Power Commission of Ontario and the Municipal Corporation of the Town of St. Mary's and other Municipal Corporations, for the construction, equipment and operation of an electric railway under *The Hydro-Electric Railway Act, 1914*, and amendments thereto.

SCHEDULE "B."

By-law No. , of the Municipal Corporation of the Town of Milton, to authorize a certain agreement made between the Hydro-Electric Power Commission of Ontario and the Municipal Corporation of the Town of Milton and other Municipal Corporations, for the construction, equipment and operation of an electric railway under *The Hydro-Electric Railway Act, 1914*, and amendments thereto.

SCHEDULE "B."

By-law No. , of the Municipal Corporation of the Village of Mimico, to authorize a certain agreement made between the Hydro-Electric Power Commission of Ontario and the Municipal Corporation of the Village of Mimico and other Municipal Corporations, for the construction, equipment and operation of an electric railway under *The Hydro-Electric Railway Act, 1914*, and amendments thereto.

SCHEDULE "B."

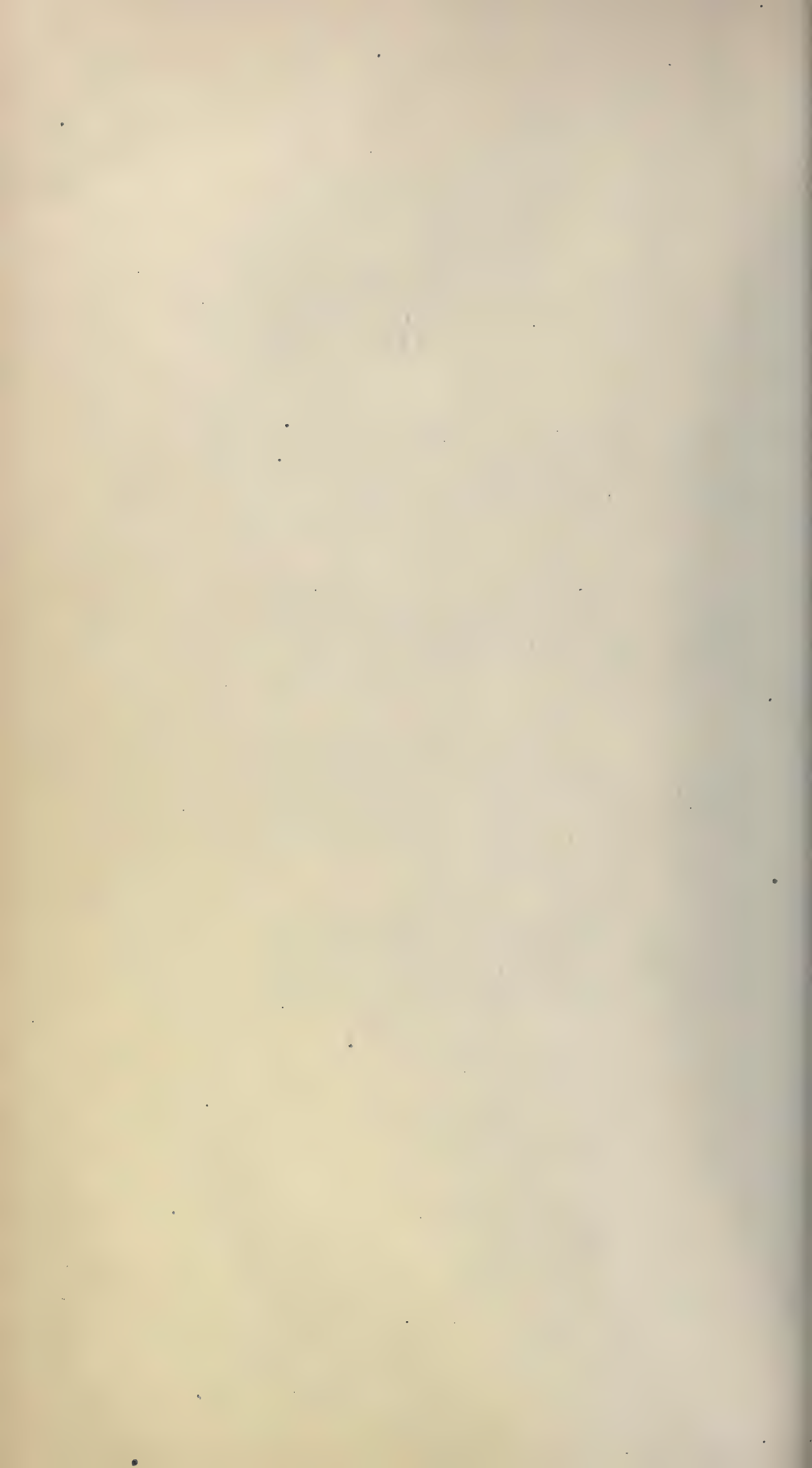
By-law No. , of the Municipal Corporation of the Village of New Toronto, to authorize a certain agreement made between the Hydro-Electric Power Commission of Ontario and the Municipal Corporation of the Village of New Toronto and other Municipal Corporations, for the construction, equipment and operation of an electric railway under *The Hydro-Electric Railway Act, 1914*, and amendments thereto.

SCHEDULE "B."

By-law No. , of the Municipal Corporation of the Village of Port Credit, to authorize a certain agreement made between the Hydro-Electric Power Commission of Ontario and the Municipal Corporation of the Village of Port Credit and other Municipal Corporations, for the construction, equipment and operation of an electric railway under *The Hydro-Electric Railway Act, 1914*, and amendments thereto.

SCHEDULE "B."

By-law No. , of the Municipal Corporation of the Village of New Hamburg, to authorize a certain agreement made between the Hydro-Electric Power Commission of Ontario and the Municipal Corporation of the Village of New Hamburg and other Municipal Corporations, for the construction, equipment and operation of an electric railway under *The Hydro-Electric Railway Act, 1914*, and amendments thereto.



No. 167.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act to amend the Hydro-Electric Railway Act and to confirm certain By-laws and Contracts.

1st Reading, April 13th, 1916.

Mr. Lucas.

TORONTO:
PRINTED BY A. T. WIGGESS,
Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the Public Development of Water Power in the vicinity of Niagara Falls.

Preamble.

WHEREAS the demand for the supply of electrical power or energy in the district which may be served by power from the vicinity of Niagara Falls has so greatly increased that in order to obtain an adequate supply to meet the present and future demands of the municipalities interested or that may be interested, it is necessary that new sources of power should be developed; and whereas the existing development works at Niagara Falls are inadequate for the development and supply of the required amount of power, the quantity of power now generated by them and available for use in Canada being exhausted; and whereas it is desirable that the work of development should be carried on upon an adequate scale in order to utilize to the fullest possible extent the available supply of water which may be diverted from the Niagara River under the terms of the treaty between the United States of America and His Majesty, the King; and whereas the Hydro-Electric Power Commission of Ontario, after investigation by its engineers, has reported to the Government upon a scheme for the development of a supply of power from the Niagara River and its tributaries, and has prepared estimates of the cost thereof; and whereas there has been a general demand upon the part of the inhabitants of the said municipalities that the Government of Ontario should develop, through the Commission, power sufficient to meet the present and future requirements of the municipalities which it is possible to serve from the neighbourhood of Niagara Falls, and that in the meantime the Commission should procure on the best terms available such additional power as may be necessary to supply the requirements of the municipalities and furnish the same to the municipalities at the average cost of all the power supplied to the municipalities under Contract with the Commission; and whereas it is desirable

that the said work of development should be undertaken and carried out as economically, efficiently, and expeditiously as possible, taking into consideration the financial and other conditions arising out of the present war, and to this end that it should be conducted by the Commission, and under the authority and direction of the Government of Ontario, acting for and on behalf of the municipalities which may be supplied with power from such development;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title. **1.** This Act may be cited as *The Ontario Niagara Development Act*.

Interpretation. **2.** In this Act—

“Commission.” (a) “Commission” shall mean Hydro-Electric Power Commission of Ontario;

“Government.” (b) “Government” shall mean Lieutenant-Governor in Council, acting for and on behalf of the Province of Ontario;

Powers which the Crown may confer upon the Commission. **3.** The Government may authorize the Commission to—

Entering on and laying out land. (a) Enter upon, survey and lay out, all such lands, water, water privileges and water powers as may be required for the construction of the works hereinafter mentioned;

Acquiring options and making contracts for purchase of lands. (b) Acquire options upon and enter into preliminary contracts for the purchase of land for sites, right-of-way, the location of buildings, plant, works, machinery and appliances required for the works hereinafter mentioned;

Constructing works, etc. (c) Construct, erect, maintain and operate works for the purpose of diverting the waters of the Niagara River, Welland River, and tributary waters, or any of them, and conveying the same by aqueduct, conduit or canal, or in any other manner, from any point on the Welland River, or on the Niagara River, above the Cataract, and discharging such waters into the Niagara River;

(d) Construct, erect, maintain and operate at or in the vicinity of such place of discharge, works, plant, machinery and appliances, for the use of the waters so taken and diverted in the development of a water power for the production of electrical or pneumatic power or energy; Development works

(e) For such purposes, exercise all powers and enforce all rights which may be exercised and enforced by the Commission when taking land or other property in the exercise of powers conferred by or under *The Power Commission Act*. General powers. Rev. Stat. c. 39.

4.—(1) The cost of the construction and maintenance of the works authorized by this Act shall be defrayed out of such money as may, from time to time, be appropriated by the Legislature for that purpose, and the works which may be authorized under section 3 shall be carried out and constructed as far as possible in such a manner that an appropriation made in any one fiscal year shall not be exceeded by the cost of the work to be carried out in that year. Cost to be defrayed out of appropriation.

(2) The Government may direct the Treasurer of Ontario from time to time to pay over to the Commission out of such sums, any sums which may be required to defray the cost of the works carried on by the Commission under this Act, and all such sums shall be duly accounted for as hereinafter provided. Payments to Commission.

5.—(1) Upon receiving the authority provided for by section 4, the Commission shall open an account to be styled "The Niagara Power Development Works Account," and such account shall contain an accurate and detailed statement:— Special account to be opened.

(a) Of all sums received by the Commission from the Government, for the purposes of the works hereby authorized; and

(b) An accurate and detailed statement of the cost of the work, including the services of the engineers, surveyors, and other officers of the Commission, and such proportion of the expenses of the administration of the Commission as may be fixed by Order-in-Council as fairly chargeable to the works undertaken and operated under the provisions of this Act.

Auditors.

(2) The Government may appoint an auditor whose duty it shall be, by himself or his deputy, to examine, check and audit all accounts chargeable against the account mentioned in subsection 1, and certify them before payment thereof, and the auditor or his deputy shall countersign all cheques issued against the said account.

Annual audit.

(3) The account shall be examined and audited at least once in and for every fiscal year by a chartered accountant nominated by the Government, who shall make his report to the Government thereon.

Annual statement to Assembly.

(4) The Government shall cause a full and detailed statement of the operations carried on under the authority of this Act, and of all the receipts and expenditures on account thereof, during the last preceding fiscal year, together with the report mentioned in subsection 3, to be laid before the Assembly within fifteen days after the opening of each session.

Provisional arrangements for supply.

6.—(1) Until an adequate supply of power from the works authorized by this Act can be developed and transmitted to the municipalities, the Commission, with the approval of the Government, may procure upon the best terms available a supply of such additional power as may be necessary to meet the requirements of the municipalities over and above the 100,000 h.p. supplied under the terms of the contract heretofore entered into between the municipalities and the Commission, and such additional power shall be furnished to the municipalities at the average cost of all the power supplied to the municipalities under contract with the Commission for the supply of power from Niagara Falls and the vicinity.

Additional cost—adjustment of.

(2) The additional cost to the municipalities of the power procured under the authority of section 1, shall be included in the price per h.p. payable by a municipal corporation under the terms of the contract entered into with the Commission, and shall be annually adjusted and apportioned by the Commission as provided by *The Power Commission Act*.

Rev. Stat. c. 39.

Extent of operation of Act.

7. The exercise of the powers, which may be conferred by or under the authority of this Act or of any of them, shall not be deemed to be a making use of the waters of the Niagara River to generate electric or pneumatic power within the meaning of any stipulation or condition contained in any agreement entered into by the Commissioners for the Queen Victoria Niagara Falls Park.

No. 168.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act respecting the Public Development of Water Power in the vicinity of Niagara Falls.

1st Reading, April 13th, 1916.

Mr. Lucas.

TORONTO:
PRINTED BY A. T. WILGESS,
Printer to the King's Most Excellent Majesty.

BILL

An Act to amend The Power Commission Act and to confirm Certain By-laws and Contracts.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Power Commission Act*, Short title. 1916."

2. Subsection 2 of section 6 of *The Power Commission Act* Rev. Stat. c. 39, s. 6, subs. 2, amended. is amended by striking out all the words therein after the words "Lieutenant-Governor in Council" in the third line.

3. Section 6 of *The Power Commission Act* is amended Rev. Stat. c. 39, s. 6, amended. by adding thereto the following subsections:—

(3) Such salaries and remuneration and the travelling and other expenses of the persons appointed or employed by the Commission, as well as any other expenses of the Commission, shall be apportioned by the Commission among, and shall be chargeable to the various works and undertakings carried on by the Commission upon which such persons are employed, but any portion of such salaries or other remuneration and travelling and other expenses which are not properly chargeable to such works or undertakings and which are earned or incurred in the performance of work or services other than those rendered in respect of works or undertakings of the Commission under contract with municipal corporations shall be chargeable and payable out of such moneys as may be appropriated for that purpose by the Legislature. Apportionment of salaries and expenses of officers.

(4) The apportionment by the Commission of such salaries or other remuneration and travelling and other expenses shall be final. Apportionment to be final.

(5) The provisions of this section shall take effect as from the 1st day of January, 1910. Commencement of section.

Appoint-
ment of
sole arbi-
trator in
lieu of
Rev. Stat.
cc. 35, 39
and 4 Geo.
V, c. 31.

4.—(1) In lieu of the provisions contained in *The Ontario Public Works Act*, *The Power Commission Act*, and *The Hydro-Electric Railway Act, 1914*, with respect to the appointment of arbitrators where land or other property is taken or injured by the Commission in the doing of any work under the authority of any of the said Acts, the Chief Justice of the Supreme Court of Ontario, upon the request of the Lieutenant-Governor in Council, may nominate some person who, in his opinion, is skilled in the valuing of real property, and upon such nomination being approved by the Lieutenant-Governor in Council and until such approval is revoked the person so nominated shall become and be the sole arbitrator for the purpose of any arbitration proceedings taken under any of the said Acts to which the Commission is a party, but in all other respects the provisions of the said Acts, including those relating to appeals, shall apply.

Determin-
ing compen-
sation be-
fore sole
arbitrator is
appointed.

(2) Until such nomination is made and approved and after such approval is revoked and until another nomination has been made and approved, the compensation to be paid to any person whose property may be taken or injured by the Commission, shall be determined in the same manner as heretofore.

Rev. Stat.
c. 39,
amended.

5. *The Power Commission Act* is amended by adding thereto the following sections:—

Payment
over to
Commission
of moneys
appro-
priated.

14a. Where the Legislature has appropriated money for the purposes of the Commission, such money shall be payable out of such appropriation to the Commission from time to time, upon the requisition of the Chairman of the Commission and the direction of the Lieutenant-Governor in Council, in such amounts and at such times as shall be stated in the requisition and direction, and this section shall have effect notwithstanding that there may be sums due from the Commission to the Province and notwithstanding anything in *The Audit Act* contained.

Rev. Stat.
c. 23.

Reserve
fund.

14b. The Commission may set apart out of the moneys coming to its hands from time to time from any municipal corporation, railway company, or distributing company such sums as may be sufficient in the opinion of the Commission to provide for the renewal, reconstruction, alteration and repair of the works constructed and operated by the Commission, and to meet any unforeseen expenditure caused by the destruction or injury of any such works.

6. Section 15 of *The Power Commission Act* is amended Rev. Stat. c. 39, s. 15, amended. by inserting after the word "Commission" in the first line the words "on account of sinking fund or interest".

7. *The Power Commission Act* is amended by adding Rev. Stat. c. 39, amended. thereto the following section:—

15a.—(1) The Commission may, out of any funds in its hands, from time to time purchase such electrical, hydraulic or other machinery, appliances, apparatus and furnishings as may be used in the transmission, distribution, supply or use of electrical power or energy, and may dispose of the same from time to time to municipal corporations and commissions. Commission may purchase and sell supplies.

(2) The Commission may undertake and carry out the installation, construction, erection or purchase of supplies for any plant, machinery, wires, poles and other things for the transmission, distribution, supply or use of electrical power or energy for light, heat or power purposes, by a municipal corporation or commission which has entered into a contract with the Commission for the supply of electrical power or energy, and the Commission may charge and collect from such corporation or commission the cost of any work done or service rendered by the Commission, its officers, servants or workmen under this subsection.

(3) This section shall take effect as from the 31st day of October, 1910. Commencement of section.

8. Section 37 of *The Power Commission Act*, as enacted 5 Geo. V. c. 19, s. 12, amended. by section 12 of *The Power Commission Act, 1915*, is repealed and the following substituted therefor:—

37.—(1) The Commission may make regulations as to the design, construction, installation, protection, operation, maintenance and inspection of works, plant, machinery, apparatus, appliances, devices, material and equipment for the generation, transmission, distribution, connection and use of electrical power or energy by any municipal corporation or commission and by any railway, street railway, electric light, power or transmission company, or by any other company or individual generating, transmitting, distributing or using electric power or energy, or whose undertaking works or premises are electrically connected with any plant for Regulations as to electrical works.

the generation, transmission or distribution of electric power or energy, and the Commission may impose penalties for the breach of any such regulations.

Order of
Commission
as to work
to be done.

Ordering
cutting off
of supply.

Inspectors
and their
duties.

Powers as
to entering
on prop-
erty.

Duty as to
complying
with
written
order of
Commission.

- (2) The Commission may, at any time, order such work to be done in the installation, removal, alteration or protection of any of the works mentioned in subsection 1, as the Commission may deem necessary for the safety of the public, or of workmen, or for the protection of the property damaged by fire or otherwise, and pending the performance of such work, or in case of noncompliance with the regulations or with any order of the Commission, may order the supply of electrical power or energy to be cut off from such works.
- (3) The Commission may appoint inspectors for the purpose of seeing that the regulations and orders of the Commission, made under the authority of this section, or any other provision of this Act, are carried out and may collect the fees to be paid by any municipal corporation or commission, or by any company, firm, or individual under the regulations or by order of the Commission, and may provide for the payment of the remuneration, travelling and other expenses of the Inspector out of the fines and fees so collected or out of the funds appropriated for carrying on the work of the Commission.
- (4) Every Inspector so appointed may, during any reasonable hour, enter upon, pass over or through any land, buildings or premises for the purpose of carrying out the regulations and orders of the Commission, and perform the duties assigned to him; and every municipal corporation or commission, company, firm, or individual, molesting, hindering, disturbing or interfering with an inspector in the performance of his duty, shall be guilty of an offence, and shall incur the penalty provided by subsection 7.
- (5) Every municipal corporation or commission, and every company, firm, or individual, upon receiving notice in writing by the Commission to remedy any defect or to make any alteration, or carry out any work, or comply with such notice within the time thereby prescribed, and in default, shall incur the penalty provided by subsection 7.

- (6) Every municipal corporation or commission, and every company, firm or individual, supplying electrical power or energy for use in any electric works, plant, machinery, apparatus, appliance or equipment before the same have been inspected and such supply authorized by the certificate of the Commission, shall incur a penalty of not less than \$300 nor more than \$500. Penalty for supplying electricity before works approved.
- (7) Every municipal corporation or commission, and every company, firm and individual, refusing or neglecting to disconnect or discontinue the supply of electricity to any electric works, plant, machinery, apparatus, appliance, or equipment, without notice in writing from the Commission so to do, shall incur a penalty of not less than \$300 nor more than \$500. Penalty for disobeying order to discontinue supply.
- (8) Nothing in this Act shall affect the liability of any municipal corporation or commission, or of any company, firm, or individual, for damages caused to any person or property by reason of any defect in any electric works, plant, machinery, apparatus, appliance, device, material, or equipment, or in the installation or protection thereof, nor shall the Commission or any inspector incur any liability by reason of any inspection or the issue of any certificate or on account of any loss occasioned by the cutting off of the supply of electrical power or energy in accordance with the orders of the Commission. Other liability not affected.
- (9) Every municipal corporation or commission, and every company, firm or individual, disobeying the provisions of this Act, or of the regulations, or any order of the Commission, shall incur a penalty of not less than \$10 nor more than \$50, and in the event of continuing the offence, of not less than \$10 nor more than \$50 for every day during which such offence continues. Penalty for disobeying regulations.
- (10) The penalties imposed by or under the authority of this section shall be recoverable under *The Ontario Summary Convictions Act* and shall be paid over to the Commission. Recovery of penalties under Rev. Stat. c. 90.

9. Section 48 of *The Power Commission Act*, as enacted by section 15 of *The Power Commission Act, 1915*, is amended by adding thereto the following sub-section:— 5 Geo. V. c. 19, s. 15, amended.

disqualifi-
cation of
member of
municipal
commission
dealing in
electrical
supplies.

- (4) Every member or officer of a municipal commission who contravenes any of the provisions of this section shall forfeit his office, and shall be disqualified and incapable of being elected or appointed to any such municipal commission or to any other municipal office for a period of two years, and the like proceedings may be taken by the Commission or by a ratepayer against any such member or officer to remove him from his office or declare his disqualification, as may be taken by a ratepayer for the removal or disqualification of a member of a municipal council who has become disqualified from sitting and voting therein, but the Commission shall not be required to furnish security for costs.

By-laws
confirmed.

10. By-laws Nos. 716 and 718 of the Corporation of the City of Niagara Falls; By-laws Nos. 486 and 491 of the Corporation of the Town of Blenheim; By-laws Nos. 10 and 11 of 1914, Nos. 7 and 11 of 1915, and No. 3 of 1916, of the Corporation of the Town of Bothwell; By-laws Nos. 576 and 612 of the Corporation of the Town of Chesley; By-laws Nos. 653 and 654 of the Corporation of the Town of Durham; By-laws Nos. P-19 and P-20 of the Corporation of the Town of Gravenhurst; By-laws Nos. 498 and 499 of the Corporation of the Town of Harriston; By-laws Nos. 658 and 659 of the Corporation of the Town of Listowel; By-laws Nos. 265 and 266 of the Corporation of the Town of Markdale; By-laws Nos. 654 and 659 of the Corporation of the Town of Mount Forest; By-laws Nos. 1,169 and 1,178 of the Corporation of the Town of Orangeville; By-laws Nos. 474 and 476 of the Corporation of the Town of Palmerston; By-laws Nos. 1,033 and 1,034 of the Corporation of the Town of Petrolia; By-laws Nos. 602, 603 and 615 of the Corporation of the Town of Ridgetown; By-laws Nos. 207 and 222 of the Corporation of the Village of Ailsa Craig; By-laws Nos. 8 and 9 of 1914 as amended by By-law No. 3 of 1916, and No. 8 of 1915, of the Corporation of the Village of Chatsworth; By-laws Nos. 292 and 294 of the Corporation of the Village of Dutton; By-laws Nos. 254 and 257 of the Corporation of the Village of Dundalk; By-laws Nos. 21 and 14 of the Corporation of the Village of Exeter; By-laws Nos. 29 and 30 of the Corporation of the Village of Flesherton; By-laws Nos. 165 and 166 of the Corporation of the Village of Milverton; By-laws Nos. 318 and 321 of the Corporation of the Village of Shelburne; By-laws Nos. 320, 321 and 327 of the Corporation of the Village of Thamesville; By-laws Nos. 59 and 60 of the Corporation of the Village of Tavistock; By-laws Nos. 83 and 84 of the Corporation of the Village of Victoria Harbor; By-laws Nos. 25, 243 and 259 of the Corporation of the

Township of Tilbury West; By-laws Nos. 657 and 658 of the Corporation of the Township of Delaware; By-laws Nos. 304 and 305 of the Corporation of the Township of Egremont; By-laws Nos. 723, 724 and 745 of the Corporation of the Township of Westminster; By-laws Nos. 596 and 597 of the Corporation of the Township of Beverly; By-law No. 592 of the Corporation of the Township of Ancaster; By-laws Nos. 532 and 542 of the Corporation of the Township of Caradoc; By-laws Nos. 553 and 585 of the Corporation of the Township of South Dumfries; By-law No. 631 of the Corporation of the Township of Tay; By-laws Nos. 811, 849 and 851 of the Corporation of the Township of Toronto are confirmed and declared to be legal, valid and binding upon such corporations and the ratepayers thereof, respectively, and shall not be open to question upon any ground whatsoever, notwithstanding the requirements of *The Power Commission Act*, or the amendments thereto or of any other statute.

Rev. Stat.
c. 39.

11. The Municipal Corporation of the City of Niagara Falls, the Municipal Corporation of the Town of Blenheim, the Municipal Corporation of the Town of Bothwell, the Municipal Corporation of the Town of Harriston, the Municipal Corporation of the Town of Listowel, the Municipal Corporation of the Town of Palmerston, the Municipal Corporation of the Town of Petrolia, the Municipal Corporation of the Town of Ridgetown, the Municipal Corporation of the Village of Ailsa Craig, the Municipal Corporation of the Village of Dutton, the Municipal Corporation of the Village of Exeter, the Municipal Corporation of the Village of Milverton, the Municipal Corporation of the Village of Thamesville, the Municipal Corporation of the Village of Tavistock, the Municipal Corporation of the Police Village of Delaware, the Municipal Corporation of the Police Village of Lambeth, the Municipal Corporation of the Police Village of Lynden, the Municipal Corporation of the Police Village of St. George, the Municipal Corporation of the Township of Toronto are added as parties of the second part to the contract set out in Schedule "A" to *The Power Commission Act, 1909*, as varied, confirmed and amended by the said Act, and as further varied, confirmed and amended by the Act passed in the tenth year of the reign of His late Majesty King Edward VII, chaptered 16, and by subsequent Acts and by this Act, and the said contract shall be binding upon the parties thereto, respectively, as to the City of Niagara Falls, from the 15th day of December, 1915; as to the Town of Blenheim, from the 15th day of June, 1915; as to the Town of Bothwell, from the 21st day of June, 1915; as to the Town of Harriston, from the 27th day of August, 1915; as to the Town of Listowel, from the 23rd day of August,

Certain
Corpora-
tions added
as parties
to contract
with Com-
mission.

Time from
which con-
tract to be
binding on
corpora-
tions added.

1915; as to the Town of Palmerston, from the 23rd day of August, 1915; as to the Town of Petrolia, from the 11th day of August, 1915; as to the Town of Ridgetown, from the 16th day of June, 1915; as to the Village of Ailsa Craig, from the 5th day of July, 1915; as to the Village of Dutton, from the 29th day of March, 1915; as to the Village of Exeter, from the 5th day of August, 1915; as to the Village of Milverton, from the 30th day of September, 1915; as to the Village of Thamesville, from the 15th day of June, 1915; as to the Village of Tavistock, from the 22nd day of September, 1914; as to the Police Village of Delaware, from the 1st day of April, 1915; as to the Police Village of Lambeth, from the 18th day of February, 1915; as to the Police Village of Lynden, from the 28th day of June, 1915; as to the Police Village of St. George, from the 14th day of June, 1915; as to the Township of Toronto, from the 10th day of June, 1913.

Amendment
of schedule
to contract.

12. The names of the said municipal corporations are added to Schedule "B" of the said contract, and such schedule shall be read as containing the particulars set out in Schedule "A" to this Act.

Certain
other
contracts
confirmed.

13. The contracts set out as Schedules "A," "B," "C," "D," "E," "F," "G," "H," "I," "J," "K," "L" and "M" hereto between the Hydro-Electric Power Commission of Ontario and the Corporations of the Town of Chesley, the Town of Durham, the Town of Gravenhurst, the Town of Huntsville, the Town of Markdale, the Town of Mount Forest, the Village of Chatsworth, the Village of Dundalk, the Village of Flesherton, the Village of Shelburne, the Village of Victoria Harbor, the Police Village of Holstein, and the Police Village of Williamsburg are hereby confirmed and declared to be legal, valid and binding upon the parties thereto respectively, and shall not be open to question upon any grounds whatsoever, notwithstanding the requirements of *The Power Commission Act*, or the amendments thereto or any other statute.

Rev. Stat.
c. 39.

SCHEDULE "A."

Column 1	2	3	4	5	6	7
Name of Municipal Corporation.	Quantity of Power applied for in H.P.	Maximum Price of Power at Niagara Falls.	*No. of Volts.	Estimate maximum cost of power ready for distribution in Municipality.	Estimate proportionate part of cost to construct transmission line, transformer stations and works for nominally 30,000 H.P., with total capacity of 60,000 H.P.	Estimate proportionate part of line loss and of part cost to operate, maintain, repair, renew and insure transmission line, transformer stations and works for nominally 30,000 H.P., with total capacity of 60,000 H.P.
				\$ c.	\$ c.	\$ c.
Niagara Falls	2,000	.....	.....	11 50	17,500 00	1,185 00
Blenheim	250	.....	.....	43 70	74,901 00	4,122 00
Bothwell	150	.....	.....	59 26	70,905 00	3,427 00
Harriston	200	.....	.....	46 62	64,706 00	3,440 00
Listowel	300	.....	.....	37 41	74,565 00	3,927 00
Palmerston	200	.....	.....	40 82	55,208 00	2,926 00
Petrolia	500	.....	.....	36 26	117,295 00	6,512 00
Ridgetown	200	.....	.....	47 17	65,016 00	3,645 00
Ailsa Craig	100	.....	.....	49 67	32,784 00	2,063 00
Dutton	50	.....	.....	43 53	15,130 00	849 00
Exeter	200	.....	.....	43 70	59,550 00	3,247 00
Milverton	200	.....	.....	35 63	46,986 00	2,446 00
Thamesville	125	.....	.....	45 40	38,779 00	3,183 10
Tavistock	100	.....	.....	49 50	35,173 00	2,010 00
Delaware	25	.....	.....	46 56	8,704 00	434 17
Lambeth	25	.....	.....	46 56	8,704 00	434 17
Lynden	120	.....	.....	33 00	21,714 00	1,621 00
St. George	100	.....	.....	38 78	24,384 00	1,456 00
Toronto Township.	100	.....	.....	25 00	13,680 00	807 00

*Number required by each Corporation.

SCHEDULE "B."

This Indenture made the 6th day of October, 1915,

Between

The Hydro-Electric Power Commission of Ontario, hereinafter called the "Commission," party of the first part;

and

The Municipal Corporation of the Town of Chesley, hereinafter called the "Corporation," party of the second part.

Whereas the Corporation under the provisions of the *Power Commission Act* and amendments thereto, Revised Statutes of Ontario Chapter 39, has applied to the Commission for a supply of power, and has passed a by-law No. 612, passed the eighteenth day of October, 1915, to authorize the execution of an agreement therefor.

Now therefore this indenture witnesseth, that in consideration of the premises and of the agreement of the Corporation herein set forth, subject to the provisions of the said Act and amendments thereto, the parties hereto agree each with the other as follows:—

1. The Commission agrees:

(a) To reserve and deliver at the earliest possible date four hundred (400) horse power, or more, of electrical power to the Corporation.

(b) At the expiration of reasonable notice, in writing, which may be given by the Corporation from time to time during the continuance of this agreement, to reserve and deliver to the Corporation additional electric power when called for.

(c) To use at all times first-class, modern, standard commercial apparatus and plant, and to exercise all due skill and diligence so as to secure satisfactory operation of the plant and apparatus of the Corporation.

(d) To deliver commercially continuous twenty-four (24) hour power every day in the year to the Corporation at the distribution bus bars in the Commission's sub-station within the Corporation's limits.

2. The Corporation agrees:

(a) To use all diligence by every lawful means in its power to prepare for the receipt and use of the power dealt with by this agreement so as to be able to receive power when the Commission is ready to deliver same.

(b) To pay annually in twelve (12) equal monthly instalments, interest upon its proportionate part, (based on the quantity of electrical energy or power taken) of all moneys expended by the Commission on capital account for the acquiring of properties and rights, and acquiring and construction of generating plants, transformer stations, transmission lines, distributing stations and other works necessary for the delivery of said electrical energy or power to the Corporation under the terms of this contract.

To pay an annual sum for its proportionate part of all moneys expended by the Commission on capital account for the acquiring of the said properties and rights, and the cost of the said construction, so as to form in thirty (30) years a sinking fund for the retirement of securities issued by the Province of Ontario.

Also to bear its proportionate part of the line loss, and pay its proportionate part of the cost to operate, maintain, repair, renew and insure the said generating plants, transformer stations, transmission lines, distributing stations, and other necessary works.

All payments under this clause shall be subject to adjustment under paragraph 6.

(c) The amounts payable in accordance with clause 2 (b) shall be paid in gold coin of the present standard of weight and fineness, at the offices of the Commission at Toronto. Bills shall be rendered by the Commission on or before the 5th day and paid by the Corporation on or before the 15th day of each month. If any bills remain unpaid for fifteen days, the Commission may, in addition to all other remedies, and without notice, discontinue the supply of power to the Corporation until said bill is paid. No such discontinuance shall relieve the Corporation from the performance of the covenants, provisoes, and conditions herein contained. All payments in arrears shall bear interest at the legal rate.

(d) To take electric power exclusively from the Commission during the continuance of this agreement.

(e) To pay for three-fourths of the power ordered from time to time by the Corporation, and held in reserve for it, as herein provided, whether it takes the same or not. When the highest average amount of power taken for any twenty (20) consecutive minutes during any month exceeds during the twenty consecutive minutes three-fourths of the amount ordered by the Corporation and held in reserve, then the Corporation shall pay for this greater amount during the entire month.

If the Corporation during any month takes more than the amount of power ordered and held in reserve for it, as determined by an integrated peak, or the highest average, for a period of twenty consecutive minutes, the taking of such excess shall thereafter constitute an obligation on the part of the Corporation to pay for, and on the part of the Commission to hold in reserve, such increased quantity of power in accordance with the terms and conditions of this contract.

When the power factor of the highest average amount of power taken for said twenty consecutive minutes falls below 90 per cent., the Corporation shall pay for 90 per cent. of said power divided by the power factor.

(f) To use at all times first-class, modern standard commercial apparatus and plant, to be approved by the Commission, and to exercise all due skill and diligence so as to secure satisfactory operation of the plant and apparatus of the Commission and of the Corporation.

(g) To co-operate by all means in its power at all times with the Commission to increase the quantity of power required from the Commission, and in all other respects to carry out the objects of this agreement, and of the said Act.

3. This agreement shall remain in force for thirty (30) years from the date of the first delivery of power under this contract.

4. The power shall be alternating, three-phase, having a periodicity of approximately 60 cycles per second, and shall be delivered as aforesaid at a voltage suitable for local distribution.

5. The engineers of the Commission, or one or more of them, or any other person or persons appointed for this purpose by the Commission, shall have the right from time to time during the continuance of this agreement to inspect the apparatus, plant and

property of the Commission, and to take records at all reasonable hours.

6. The Commission shall at least annually, adjust and apportion the amount or amounts payable by the Municipal Corporation or Corporations, for such power and such interest, sinking fund, cost of lost power, and cost of generating, operating, maintaining, repairing, renewing and insuring said works.

7. It is hereby declared that the Commission is to be a trustee of all property held by the Commission under this agreement for the Corporation and other Municipal Corporations supplied by the Commission, but the Commission shall be entitled to a lien upon said property for all moneys expended by the Commission under this agreement and not repaid. At the expiration of this agreement the Commission shall determine and adjust the rights of the Corporations and other Municipal Corporations, supplied by the Commission, having regard to the amounts paid by them respectively, under the terms of this agreement, and such other considerations as may appear equitable to the Commission, and are approved by the Lieutenant-Governor-in-Council.

8. If at any time any other Municipal Corporation, or pursuant to said Act, any railway or distributing company, or any other corporation, or person, applies to the Commission for a supply of power, the Commission shall notify the applicant and the Corporation, in writing, of a time and place to hear all representations that may be made as to the terms and conditions for such supply.

Without discrimination in favour of the applicants, as to the price to be paid for equal quantities of power, the Commission may supply power upon such terms and conditions as may, having regard to the risk and expense incurred and paid, and to be paid by the Corporation, appear equitable to the Commission, and are approved by the Lieutenant-Governor-in-Council.

No such application shall be granted if the said works or any part thereof are not adequate for such supply, or if the supply of the Corporation will be thereby injuriously affected, and no power shall be supplied within the limits of a municipal corporation taking power from the Commission at the time of such application without the written consent of such corporation.

In determining the quantity of power supplied to a municipal corporation, the quantity supplied by the Commission within the limits of the Corporation to any applicant, other than a municipal corporation, shall be computed as part of the quantity supplied to such corporation, but such corporation shall not be liable for payment for any portion of the power supplied. No power shall be supplied by the municipal corporation to any railway or distributing company without the written consent of the Commission, but the Corporation may sell power to any person or manufacturing companies within the limits of the Corporation, but such power shall not be sold for less than cost, neither shall there be any discrimination as regards price and quantity.

9. If differences arise between corporations to which the Commission is supplying power, the Commission may, upon application, fix a time and place and hear all representations that may be made by the parties, and the Commission shall, in a summary manner, when possible, adjust such differences, and such adjustment shall be final. The Commission shall have all the powers that may be conferred upon a commissioner appointed under the *Act respecting Enquiries concerning Public Matters*.

10. This agreement shall extend to, be binding upon, and enure to the benefit of the successors and assigns of the parties hereto.

In witness whereof, the Commission and the Corporation have, respectively, affixed their corporate seals and the hands of their proper officers.

HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO.

A. BECK, *Chairman*.

W. W. POPE, *Secretary*.

MUNICIPAL CORPORATION OF THE TOWN OF CHESLEY.

C. J. HALLIDAY, *Mayor*.

H. S. SANDERSON, *Clerk*.

SCHEDULE "C."

This Indenture made in duplicate the day of
in the year of our Lord,

Between

The Hydro-Electric Power Commission of Ontario, hereinafter called the "Commission," party of the first part;

and

The Municipal Corporation of the Town of Durham hereinafter called the "Corporation," party of the second part.

Whereas, pursuant to an Act to provide for the transmission of electrical power to municipalities known as the *Power Commission Act* and amendments thereto, the Corporation applied to the Commission for supply of power, and the Commission furnished the Corporation with estimates of the total cost of such power, ready for distribution within the limits of the Corporation (and the electors of the Corporation assented to the by-laws authorizing the Corporation to enter into a contract with the Commission for such power.)

1. Now therefore this indenture witnesseth that in consideration of the premises and of the agreement of the Corporation herein set forth, subject to the provisions of the said Act and amendments thereto, the Commission agrees with the Corporation.

(a) To reserve and deliver at the earliest possible date 100 h.p. or more of electrical power to the Corporation.

(b) At the expiration of reasonable notice in writing which may be given by the Corporation from time to time during the continuance of this agreement, to reserve and deliver to the Corporation additional electric power when called for.

(c) To use at all times first-class, modern, standard, commercial apparatus and plant, and to exercise all due skill and diligence so as to secure satisfactory operation of the plant and apparatus of the Corporation.

(d) To deliver commercially continuously 24-hour power every day in the year to the Corporation at the distribution bus bars in the Commission's substation within the Corporation's limits.

2. In consideration of the premises and of the agreements herein set forth, the Corporation agrees with the Commission.

(a) To use all diligence by every lawful means in its power to prepare for the receipt and use of the power dealt with by this agreement so as to be able to receive power when the Commission is ready to deliver same.

(b) To pay annually, interest at rate payable by the Commission upon the Corporation's proportionate part, (based on the quantity of electrical energy or power taken), of all monies expended by the Commission on capital account for the acquiring of properties and rights, the acquiring and construction of generating plants, transformer stations, transmission lines, distributing stations, and other works necessary for the delivery of said electrical energy or power to the Corporation under the terms of this contract.

Also to pay an annual sinking fund instalment of such amount as to form at the end of 30 years, with accrued interest, a sinking fund sufficient to repay the Corporation's proportionate part, based as aforesaid, of all monies advanced by the Province of Ontario, for the acquiring of properties and rights, the acquiring and construction of generating plants, transformer stations, transmission lines, distributing stations and other work necessary for the delivery of said electrical energy or power, delivered to the Corporation under the terms of this contract. Also to pay the Corporation's proportionate part, based as aforesaid, of the cost of lost power and of the cost of operating, maintaining, repairing, renewing and insuring said generating plants, transformer stations, transmission lines, distributing stations and other necessary work. Subject to adjustment under Clause 6 of this agreement.

(c) The amounts payable under this contract shall be paid in twelve monthly payments, in gold coin of the present standard of weight and fineness, at the offices of the Commission at Toronto. Bills shall be rendered by the Commission on or before the 5th day and paid by the Corporation on or before the 15th day of each month. If any bill remains unpaid for fifteen days, the Commission may, in addition to all other remedies and without notice, discontinue the supply of power to the Corporation until said bill is paid. By such discontinuance shall relieve the Corporation from the performance of the covenants, provisoes and conditions herein contained. All payments in arrears shall bear interest at the legal rate;

(d) To take electric power exclusively from the Commission during the continuance of this agreement.

(e) To co-operate by all means in its power at all times with the Commission to increase the quantity of power required from the Commission, and in all other respects to carry out the objects of this agreement, and of the said Act.

(f) To pay for three-fourths of the power ordered from time to time by the Corporation and held in reserve for it as herein provided whether it takes the same or not. When the highest average amount of power taken for any twenty consecutive minutes during any month shall exceed during the twenty consecutive minutes three-fourths of the amount ordered by the Corporation and held in reserve, then the Corporation shall pay for this greater amount during the entire month.

(g) If the Corporation during any month takes more than the amount of power ordered and held in reserve for it, as determined by an integrated peak, or the highest average, for a period of twenty consecutive minutes, the taking of such excess shall thereafter constitute an obligation on the part of the Corporation to pay for, and on the part of the Commission to hold in reserve, such increased quantity of power in accordance with the terms and conditions of this contract.

(h) When the power factor of the highest average amount of power taken for said twenty consecutive minutes falls below 90 per cent. the Corporation shall pay for 90 per cent. of said power divided by the power factor.

(i) To use at all times first-class, modern, standard commercial apparatus and plant, to be approved by the Commission.

(j) To exercise all due skill and diligence so as to secure satisfactory operation of the plant and apparatus of the Commission and of the Corporation.

3. This agreement shall remain in force for thirty years from date of the first delivery of power under this contract.

4. The power shall be alternating, three phase, having a periodicity of approximately 60 cycles per second and shall be delivered as aforesaid at a voltage suitable for local distribution.

(a) That the meters with their series and potential transformers shall be connected at the point of delivery.

(b) The maintenance by the Commission of approximately the agreed voltage at approximately the agreed frequency at the sub-station in the limits of the Corporation shall constitute the supply of all power involved herein and the fulfilment of all operating obligations hereunder, and when voltage and frequency are so maintained, the amount of power, its fluctuations, load factor, power factor, distribution as to phases and all other electric characteristics and qualities, are under the sole control of the Corporation, their agents, customers, apparatus, appliances and circuits.

5. The engineers of the Commission, or one or more of them, or any other person or persons appointed for this purpose by the Commission shall have the right from time to time during the continuance of this agreement to inspect the apparatus plant and property of the Corporation and take records at all reasonable hours.

6. The Commission shall at least annually adjust and apportion the amount or amounts payable by the Municipal Corporation or Corporations for such power and such interest, sinking fund, cost of lost power and cost of generating, operating, maintaining, repairing, renewing and insuring said works.

If at any time any other Municipal Corporation, or pursuant to said Act, any railway or distributing company, or any other Corporation or person, applies to the Commission for a supply of power, the Commission shall notify the applicant and the involved Corporation or Corporations in writing, of a time and place to hear all representations that may be made as to the terms and conditions for such supply.

Without discrimination in favour of the applicants as to the price to be paid, for equal quantities of power, the Commission may supply power upon such terms and conditions, as may, having regard to the risk and expense incurred, and paid and to be paid by the Corporation, appear equitable to the Commission, and are approved by the Lieutenant-Governor in Council.

No such application shall be granted if the said works or any part thereof are not adequate for such supply, or if the supply of the Corporation will be thereby injuriously affected, and no power shall be supplied within the limits of a Municipal Corporation taking power from the Commission at the time of such application without the written consent of such Corporation.

In determining the quantity of power supplied to a Municipal Corporation, the quantity supplied by the Commission within the

limits of the Corporation to any applicant, other than a Municipal Corporation shall be computed as part of the quantity supplied to such Corporation, but such Corporation shall not be liable for payment for any portion of the power so supplied. No power shall be supplied by the Municipal Corporation to any railway or distributing company without the written consent of the Commission. Power shall not be sold for less than the cost and there shall be no discrimination as regards price and quantity.

7. It is hereby declared that the Commission is to be a trustee of all property held by the Commission under this agreement for the Corporation or Corporations supplied by the Commission but the Commission shall be entitled to a lien upon said property for all monies expended by the Commission under this agreement and not repaid. At the expiration of this agreement the Commission shall determine and adjust the rights of the Corporation and any other (if any) supplied by the Commission, having regard to the amounts paid by them respectively under the terms of this agreement, and such other consideration as may appear equitable to the Commission and are approved by the Lieutenant-Governor in Council.

8. If differences arise between Corporations to which the Commission is supplying power, the Commission may upon application fix a time and place and hear all representations that may be made by the parties and the Commission shall, in a summary manner, when possible, adjust such differences and such adjustment shall be final. The Commission shall have all the powers that may be conferred upon a Commissioner appointed under the *Act respecting Enquiries concerning Public Matters*.

9. This agreement shall extend to, be binding upon, and enure to the benefit of the successors and assigns of the parties hereto.

In witness whereof the Commission and the Corporation have respectively affixed their corporate seals and the hands of their proper officers.

(Seal).

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO,

A. BECK, *Chairman*,
W. W. POPE, *Secretary*.

MUNICIPAL CORPORATION OF THE TOWN OF DURHAM.

A. S. HUNTER, *Mayor*.
WM. B. VOLLET, *Clerk*.

(Seal).

SCHEDULE "D."

This indenture made in duplicate the Twenty-fifth day of October, in the year of our Lord, One Thousand Nine Hundred and Fifteen,

Between

The Hydro-Electric Power Commission of Ontario, hereinafter called "The Commission," party of the first part;

and

The Municipal Corporation of the Town of Gravenhurst, hereinafter called "The Corporation," party of the second part.

Whereas pursuant to an Act to provide for the transmission of electric power to municipalities, known as *The Power Commission Act*, and amendments thereto, the Corporation applied to the Commission for a supply of power, and the Commission furnished the

Corporation with estimates of the total cost of such power, ready for distribution within the limits of the Corporation (and the electors of the Corporation assented to the by-laws authorizing the Corporation to enter into a contract with the Commission for such power).

1. Now therefore this indenture witnesseth that in consideration of the premises and of the agreements of the Corporation herein set forth, subject to the provisions of the said Act and amendments hereto, the Commission agrees with the Corporation:

(a) To reserve and deliver at the earliest possible date 300 h.p.

(b) At the expiration of reasonable notice in writing, which may be given by the Corporation from time to time during the continuance of this agreement, to reserve and deliver to the Corporation when called for any additional electrical power then available, or more of electrical power to the Corporation.

(c) To use at all times first-class, modern, standard, commercial apparatus and plant, and to exercise all due skill and diligence so as to secure satisfactory operation of the plant and apparatus of the Corporation.

(d) To deliver commercially continuous 24-hour power every day in the year to the Corporation at the outgoing line bracket on the Commission's generating station at South Falls on the south branch of the Muskoka River.

2. In consideration of the premises and of the agreements herein set forth, the Corporation agrees with the Commission:

(a) To use all diligence by every lawful means in its power to prepare for the receipt and use of the power dealt with by this agreement so as to be able to receive power when the Commission is ready to deliver same.

(b) To pay annually to the Commission the Corporation's proportionate part of interest and sinking fund (based on the quantity of electrical energy or power taken) on all moneys expended by the Commission on capital account for the acquiring of properties and rights and acquiring and construction of generating plant and other works necessary for the delivery of said electrical power or energy to the Corporation under the terms of this agreement.

Also to pay annually to the Commission the Corporation's proportionate part (based as above) of the cost of lost power and operating, maintaining, repairing, renewing and insuring the generating plant and other necessary works.

(c) The amounts payable under this contract shall be paid in twelve monthly payments, in gold coin of the present standard of weight and fineness, at the offices of the Commission at Toronto. Bills shall be rendered by the Commission on or before the 5th day and paid by the Corporation on or before the 15th day of each month. If any bill remains unpaid for fifteen days, the Commission may, in addition to all other remedies and without notice discontinue the supply of power to the Corporation until the said bill is paid. No such discontinuance shall relieve the Corporation from the performance of the covenants, provisoes and conditions herein contained. All payments in arrears shall bear interest at the legal rate.

(d) To co-operate by all means in its power at all times with the Commission to increase the quantity of power required from the Commission, and in all other respects to carry out the objects of this agreement and of the said Acts.

(e) To take electric power exclusively from the Commission during the continuance of this agreement.

(f) To pay for three-fourths of the power ordered from time to time by the Corporation and held in reserve for it as herein provided whether it takes the same or not. When the greatest average amount of power taken for any twenty consecutive minutes during any month shall exceed during the twenty consecutive minutes three-fourths of the amount ordered by the Corporation and held in reserve, then the Corporation shall pay for this greater amount during the entire month.

(g) If the Corporation during any month takes more than the amount of power ordered and held in reserve for it, for twenty consecutive minutes, the taking of such excess shall thereafter constitute an obligation on the part of the Corporation to pay for, and on the part of the Commission to hold in reserve such increased quantity of power in accordance with the terms and conditions of this contract.

(h) When the power factor of the greatest amount of power taken for said twenty consecutive minutes falls below 90%, the Corporation shall pay for 90% of said power divided by the power factor.

(i) To use at all times first-class, modern, standard, commercial apparatus and plant approved by the Commission.

(j) To exercise all due skill and diligence so as to secure satisfactory operation of the plant and apparatus of the Commission and the Corporation.

3. This agreement shall remain in force for 16 years from the date of the first delivery of power under this contract.

4. The power shall be alternating, three-phase, having a periodicity of approximately 60 cycles per second, and shall be delivered as aforesaid at approximately 6,600 volts.

(a) The meters, with their series and potential transformers, shall be connected at the point of delivery as near as practicable.

(b) The maintenance by the Commission of approximately the agreed voltage at approximately the agreed frequency at the generating station at South Falls on the Muskoka River shall constitute the supply of all power involved herein, and the fulfilment of all operating obligations hereunder, and when the voltage and frequency are so maintained, the amount of the power, its fluctuations, load factor, power factor, distribution as to phases, and all other electrical characteristics and qualities are under the sole control of the Corporation, their agents, customers, apparatus, appliances and circuits.

5. The engineers of the Commission, or one or more of them, or any person or persons appointed for this purpose by the Commission, shall have the right from time to time during the continuance of this agreement to inspect the apparatus, plant and property of the Corporation and take records at all reasonable hours.

6. The Commission shall at least annually adjust and apportion the amount or amounts payable by the Municipal Corporation or Corporations for such power and such interest, sinking fund, cost of lost power, and cost of generating, operating, maintaining, repairing, renewing and insuring said works.

If at any time any other municipal corporation, or, pursuant to said Act, any railway or distributing company, or any other corporation or person, applies to the Commission for a supply of power, the Commission shall notify the applicant and involved corporation or corporations in writing of a time and place to hear all representations that may be made as to the terms and conditions for such supply.

Without discrimination in favour of the applicants as to the price to be paid for equal quantities of power, the Commission may supply power upon such terms and conditions as may, having regard to the risk and expense incurred, and paid, and to be paid by the Corporation, appear equitable to the Commission and are approved by the Lieutenant-Governor in Council.

No such application shall be granted if the said works or any part thereof are not adequate for such supply, or if the supply of said Corporation will be thereby injuriously affected, and no power shall be supplied within the limits of said Municipal Corporation taking power from the Commission at the time of such application without the written consent of such Corporation.

In determining the quantity of power supplied to a Municipal Corporation, the quantity supplied by the Commission within the limits of the Corporation to any applicant other than a Municipal Corporation shall be computed as a part of the quantity supplied to such Corporation, but such Corporation shall not be liable for payment for any portion of the power so supplied. No power shall be supplied by the Municipal Corporation to any railway or distributing company without the written consent of the Commission. Power shall not be sold for less than the cost, and there shall be no discrimination as regards price and quantity.

7. At the expiration of this agreement the Commission shall determine and adjust the rights of the Corporation and any other (if any) supplied by the Commission.

8. If differences arise between Corporations to which the Commission is supplying power, the Commission may, upon application, fix a time and place and hear all representations that may be made by the parties, and the Commission shall in a summary manner, when possible, adjust such differences, and such adjustment shall be final. The Commission shall have all the powers that may be conferred upon a Commissioner appointed under *The Act Respecting Enquiries Concerning Public Matters*.

9. This agreement shall extend to, be binding upon, and enure to the benefit of the successors and assigns of the parties hereto.

In witness whereof the "Commission" and the "Corporation" have respectively affixed their corporate seals and the hand of their proper officers.

Signed, Sealed and delivered this twenty-fifth day of October, 1915, A.D., in the presence of

HYDRO-ELECTRIC POWER COMMISSION.

A. BECK, *Chairman*.

W. W. POPE, *Secretary*.

(Seal)

MUNICIPAL CORPORATION OF THE TOWN OF
GRAVENHURST.

ARCHY. SLOAN, *Mayor*.

W. H. BUTTERWORTH, *Town Clerk*.

(Seal)

SCHEDULE "E."

This Indenture, made in Duplicate the 10th day of March, in the year of our Lord one thousand nine hundred and fifteen (1915).

Between

The Hydro-Electric Power Commission of Ontario, hereinafter called "The Commission," party of the first part;

and

The Municipal Corporation of the Town of Huntsville, hereinafter called "The Corporation," party of the second part.

Whereas pursuant to an Act to provide for the transmission of electric power to municipalities known as the *Power Commission Act* and amendments thereto, the Corporation applied to the Commission for a supply of power, and the Commission furnished the Corporation with estimates of the total cost of such power, ready for distribution within the limits of the Corporation (and the electors of the Corporation assented to the By-laws, authorizing the Corporation to enter into a contract with the Commission for such power).

1. Now therefore this indenture witnesseth that in consideration of the premises and of the agreement of the Corporation herein set forth, subject to the provisions of the said Act and amendments thereto, the Commission agrees with the Corporation:

(a) To reserve and deliver at the earliest possible date 800 h.p. or more of electrical power to the Corporation.

(b) At the expiration of reasonable notice in writing which may be given by the Corporation from time to time during the continuance of this agreement, to reserve and deliver to the Corporation additional electrical power when called for.

(c) To use at all times first-class, modern, standard commercial apparatus and plant, and to exercise all due skill and diligence so as to secure satisfactory operation of the plant and apparatus of the Corporation.

(d) To deliver commercially continuous twenty-four-hour power every day in the year to the Corporation at the distribution bus bars in the Commission's substation within the Corporation's limits.

2. In consideration of the premises and of the agreements herein set forth, the Corporation agrees with the Commission:

(a) To use all diligence by every lawful means in its power to prepare for the receipt and use of the power dealt with by this agreement so as to be able to receive power when the Commission is ready to deliver the same.

(b) To pay annually, interest at 4% to 4½% per annum upon the Corporation's proportionate part (based on the quantity of electrical energy or power taken) of all moneys expended by the Commission on capital account for the acquiring of properties and rights, and acquiring the construction of generating plants, transformer stations, transmission lines, distributing stations, and other works necessary for the delivery of the said electrical power or energy to the Corporation under the terms of this contract.

Also to pay an annual sinking fund instalment of such amount as to form at the end of sixteen years, with accrued interest, a sinking fund sufficient to repay the Corporation's proportionate

part, based as aforesaid, of all moneys advanced by the Province of Ontario for the acquiring of the properties and rights, the acquiring and construction of generating plants, transformer stations, transmission lines, distributing stations, and other work necessary for the delivery of electrical energy or power, delivered to the Corporation under the terms of this contract. Also to pay the Corporation's proportionate part, based as aforesaid, on the cost of lost power, and the cost of operating, maintaining, repairing, renewing and insuring said generating plants, transformer stations, transmission lines, distributing stations, and other necessary works.

(c) The amounts payable under this contract shall be paid in twelve monthly payments, in gold coin of the present standard of weight and fineness, at the offices of the Commission at Toronto. Bills shall be rendered by the Commission on or before the 5th day and paid by the Corporation on or before the 15th day of each month. If any bill remains unpaid for fifteen days, the Commission may, in addition to all other remedies and without notice, discontinue the supply of power to the Corporation until the said bill is paid. No such discontinuance shall relieve the Corporation from the performance of the covenants, provisoes, and conditions herein contained. All payments in arrears shall bear interest at the legal rate.

(d) To take electric power exclusively from the Commission during the continuance of this agreement.

(e) To co-operate by all means in its power at all times with the Commission to increase the quantity of power required from the Commission, and in all other respects to carry out the objects of this agreement, and of the said Act.

(f) To pay for three-fourths of the power ordered from time to time by the Corporation and held in reserve for it as herein provided, whether it takes the same or not. When the highest amount of power taken for any twenty consecutive minutes during any month shall exceed during the twenty consecutive minutes three-fourths of the amount ordered by the Corporation and held in reserve, then the Corporation shall pay for this greater amount during the entire month.

(g) If the Corporation during any month takes more than the amount of power ordered and held in reserve for it for twenty consecutive minutes, the taking of such excess shall thereafter constitute an obligation on the part of the Corporation to pay for, and on the part of the Commission to hold in reserve such increased quantity of power in accordance with the terms and conditions of this contract.

(h) When the power factor of the highest amount of power taken for said twenty consecutive minutes falls below 90% the Corporation shall pay for 90% of said power divided by the power factor.

(i) To use at all times first-class modern, standard, commercial apparatus and plant approved by the Commission.

(j) To exercise all due skill and diligence so as to secure satisfactory operation of the plant and apparatus of the Commission and the Corporation.

3. This agreement shall remain in force sixteen years from the date of the first delivery of power under this contract.

4. The power shall be alternating, three phase, having a periodicity of approximately sixty cycles per second, and shall be delivered as aforesaid at a voltage suitable for local distribution.

(a) That the meters with their series and potential transformers shall be connected at the point of delivery.

(b) That the maintenance by the Commission of approximately the agreed voltage, at approximately the agreed frequency at the substation in the limits of the Corporation shall constitute the supply of all power involved herein, and the fulfilment of all operating obligations hereunder, and when the voltage and frequency are so maintained, the amount of the power, its fluctuations, load factor, power factor, distribution as to phases, and all other electrical characteristics and qualities are under the sole control of the Corporation, their agents, customers, apparatus, appliances and circuits.

5. The engineers of the Commission, or one or more of them, or any person or persons appointed for this purpose by the Commission shall have the right from time to time during the continuance of this agreement to inspect the apparatus, plant, property of the Corporation and take records at all reasonable hours.

6. The Commission shall at least annually adjust and apportion the amount or amounts payable by the municipal corporation or corporations for such power and such interest, sinking fund, cost of lost power, and cost of generating, operating, maintaining, repairing, renewing, and insuring said works.

If at any time any other municipal corporation, or pursuant to said Act, any railway or distributing company, or any other corporation or person, applies to the Commission for a supply of power, the Commission shall notify the applicant and involved corporation or corporations in writing of a time and place to hear all representations that may be made as to the terms and conditions for such supply.

Without discrimination in favour of the applicants as to the price to be paid, for equal quantities of power, the Commission may supply power upon such terms and conditions as may, having regard to the risk and expense incurred, and paid, and to be paid by the Corporation, appear equitable to the Commission, and are approved by the Lieutenant-Governor in Council.

No such application shall be granted if the said works or any part thereof are not adequate for such supply, or if the supply of said Corporation will be thereby injuriously affected and no power shall be supplied within the limits of said municipal corporation taking power from the Commission at the time of such application without the written consent of such corporation.

In determining the quantity of power supplied to a municipal corporation the quantity supplied by the Commission within the limits of the corporation to any applicant other than a municipal corporation shall be computed as a part of the quantity supplied to such corporation, but such corporation shall not be liable for payment for any portion of the power so supplied. No power shall be supplied by the municipal corporation to any railway or distributing company without the written consent of the Commission. Power shall not be sold for less than the cost and there shall be no discrimination as regards price and quantity.

7. It is hereby declared the Commission is to be a trustee of all property held by the Commission under this agreement for the corporation or corporations supplied by the Commission, but the Commission shall be entitled to a lien upon said property for all moneys expended by the Commission under this agreement and not repaid. At the expiration of this agreement, the Commission shall determine and adjust the rights of the Corporation and any other (if any) supplied by the Commission, taking regard to the amounts

paid by them respectively under the terms of this agreement, and such other considerations as may appear equitable to the Commission and are approved by the Lieutenant-Governor in Council.

8. If differences arise between corporations to which the Commission is supplying power, the Commission may, upon application, fix a time and place, and hear all representations that may be made by the parties, and the Commission shall in a summary manner when possible, adjust such differences, and such adjustment shall be final. The Commission shall have all the powers that may be conferred upon a Commissioner appointed under *The Act respecting Enquiries Concerning Public Matters*.

9. This agreement shall extend to, be binding upon, and inure to the benefit of the successors and assigns of the parties hereto.

In witness whereof the "Commission" and the "Corporation" have respectively affixed their corporate seals and the hand of their proper officers.

HYDRO-ELECTRIC POWER COMMISSION,

A. BECK, *Chairman*.
W. W. POPE, *Secretary*.

(Seal.)

MUNICIPALITY OF THE TOWN OF HUNTSVILLE.

H. E. RISE, *Mayor*.
J. M. CULLON, *Clerk*.

(Seal.)

SCHEDULE "F."

This Indenture, made the 11th day of September, 1915.

Between

The Hydro-Electric Power Commission of Ontario, hereinafter called the "Commission," party of the first part;

and

The Municipal Corporation of the Town of Markdale, hereinafter called the "Corporation," party of the second part.

Whereas the Corporation under the provisions of the *Power Commission Act* and amendments thereto, Revised Statutes of Ontario, Chapter 39, has applied to the Commission for a supply of power and has passed a by-law No. 265, passed the 30th day of July, 1915, to authorize the execution of an agreement therefor.

Now therefore this indenture witnesseth that in consideration of the premises and of the agreement of the Corporation herein set forth, subject to the provisions of the said Act and amendments thereto, the parties hereto agree each with the other as follows:

1. The Commission agrees:

(a) To reserve and deliver at the earliest possible date one hundred and fifty (150) horse power, or more, of electrical power to the Corporation.

(b) At the expiration of reasonable notice, in writing, which may be given by the Corporation from time to time during the continuance of this agreement, to reserve and deliver to the Corporation additional electric power when called for,

(c) To use at all times first-class, modern, standard, commercial apparatus and plant, and to exercise all due skill and diligence so as to secure satisfactory operation of the plant and apparatus of the Corporation.

(d) To deliver commercially continuous twenty-four (24) hour power every day in the year to the Corporation at the distribution bus bars in the Commission's substation within the Corporation's limits.

2. The Corporation agrees:

(a) To use all diligence by every lawful means in its power to prepare for the receipt and use of the power dealt with by this agreement so as to be able to receive power when the Commission is ready to deliver same.

(b) To pay annually in twelve (12) equal monthly instalments, interest upon its proportionate part, (based on the quantity of electrical energy or power taken) of all moneys expended by the Commission on capital account for the acquiring of properties and rights, the acquiring and construction of generating plants, transformer stations, transmission lines, distributing stations, and other works necessary for the delivery of said electrical energy or power to the Corporation under the terms of this contract.

To pay an annual sum for its proportionate part of all moneys expended by the Commission on capital account for the acquiring of the said properties and rights, and the cost of the said construction, so as to form in thirty (30) years a sinking fund for the retirement of securities issued by the Province of Ontario.

Also to bear its proportionate part of the line loss and pay its proportionate part of the cost to operate, maintain, repair, renew, and insure the said generating plants, transformer stations, transmission lines, distributing stations, and other necessary works.

All payments under this clause shall be subject to adjustment under paragraph 6.

(c) The amounts payable in accordance with clause 2 (b) shall be paid in gold coin of the present standard of weight and fineness, at the offices of the Commission at Toronto. Bills shall be rendered by the Commission on or before the 5th day and paid by the Corporation on or before the 15th day of each month. If any bills remain unpaid for fifteen days, the Commission may, in addition to all other remedies and without notice, discontinue the supply of power to the Corporation until said bill is paid. No such discontinuance shall relieve the Corporation from the performance of the covenants, provisoes, and conditions herein contained. All payments in arrears shall bear interest at the legal rate.

(d) To take electric power exclusively from the Commission during the continuance of this agreement.

(e) To pay for three-fourths of the power ordered from time to time by the Corporation and held in reserve for it as herein provided whether it takes the same or not. When the highest average amount of power taken for any twenty consecutive minutes during any month exceeds during the twenty consecutive minutes three-fourths of the amount ordered by the Corporation and held in reserve, then the Corporation shall pay for this greater amount during the entire month.

If the Corporation during any month takes more than the amount of power ordered and held in reserve for it, as determined by an integrated peak, or the highest average, for a period of twenty consecutive minutes, the taking of such excess shall thereafter con-

stitute an obligation on the part of the Corporation to pay for, and on the part of the Commission to hold in reserve, such increased quantity of power in accordance with the terms and conditions of this contract.

When the power factor of the highest average amount of power taken for said twenty consecutive minutes falls below 90 per cent., the Corporation shall pay for 90 per cent. of said power divided by the power factor.

(f) To use at all times first-class, modern, standard commercial apparatus and plant, to be approved by the Commission, and to exercise all due skill and diligence so as to secure satisfactory operation of the plant and apparatus of the Commission and of the Corporation.

(g) To co-operate by all means in its power at all times with the Commission to increase the quantity of power required from the Commission and in all other respects to carry out the objects of this agreement, and of the said Act.

3. This agreement shall remain in force for thirty (30) years from the date of the first delivery of power under this contract.

4. The power shall be alternating, three-phase, having a periodicity of approximately 60 cycles per second, and shall be delivered as aforesaid at a voltage suitable for local distribution.

5. The engineers of the Commission, or one or more of them, or any other person or persons appointed for this purpose by the Commission, shall have the right from time to time during the continuance of this agreement to inspect the apparatus, plant, and property of the Corporation, and take records at all reasonable hours.

6. The Commission shall at least annually adjust and apportion the amount or amounts payable by the Municipal Corporation or Corporations for such power and such interest, sinking fund, cost of lost power and cost of generating, operating, maintaining, repairing, renewing, and insuring said works.

7. It is hereby declared that the Commission is to be a trustee of all property held by the Commission under this agreement for the Corporations and other municipal corporations supplied by the Commission, but the Commission shall be entitled to a lien upon said property for all moneys expended by the Commission under this agreement and not repaid. At the expiration of this agreement the Commission shall determine and adjust the rights of the Corporations and other municipal corporations, supplied by the Commission, having regard to the amounts paid by them, respectively, under the terms of this agreement, and such other considerations as may appear equitable to the Commission and are approved by the Lieutenant-Governor-in-Council.

8. If at any time any other municipal corporation, or pursuant to said Act, any railway or distributing company, or any other corporation or person, applies to the Commission for a supply of power, the Commission shall notify the applicant and the Corporation, in writing, of a time and place to hear all representations that may be made as to the terms and conditions for such supply.

Without discrimination in favor of the applicants as to the price to be paid, for equal quantities of power, the Commission may supply power upon such terms and conditions as may, having regard to the risk and expense incurred, and paid, and to be paid by the Corporation, appear equitable to the Commission, and are approved by the Lieutenant-Governor-in-Council.

No such application shall be granted if the said works, or any part thereof, are not adequate for such supply, or if the supply of the Corporation will be thereby injuriously affected, and no power shall be supplied within the limits of a municipal corporation taking power from the Commission at the time of such application without the written consent of such Corporation.

In determining the quantity of power supplied to a municipal corporation, the quantity supplied by the Commission within the limits of the Corporation to any applicant, other than a municipal corporation, shall be computed as part of the quantity supplied to such Corporation, but such Corporation shall not be liable for payment for any portion of the power so supplied. No power shall be supplied by the municipal corporation to any railway or distributing company without the written consent of the Commission, but the Corporation may sell power to any person or persons, or manufacturing companies within the limits of the Corporation, but such power shall not be sold for less than cost; neither shall there be any discrimination as regards price and quantity.

9. If differences arise between corporations to which the Commission is supplying power, the Commission may, upon application, fix a time and place and hear all representations that may be made by the parties, and the Commission shall, in a summary manner, when possible, adjust such differences, and such adjustment shall be final. The Commission shall have all the powers that may be conferred upon a commissioner appointed under the *Act respecting Enquiries concerning Public Matters*.

10. This agreement shall extend to, be binding upon, and enure to the benefit of the successors and assigns of the parties hereto.

In witness whereof, the Commission and the Corporation have respectively affixed their Corporate Seals and the hands of their proper officers.

HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO.

A. BECK, *Chairman*.
W. W. POPE, *Secretary*.

(SEAL.)

MUNICIPAL CORPORATION OF THE TOWN OF MARKDALE.

R. W. EMER, *Reeve*.
R. GILFILLAN, *Clerk*.

(SEAL.)

SCHEDULE "G."

This Indenture made in duplicate the 15th day of March, in the year of our Lord, 1915.

Between

The Hydro-Electric Power Commission of Ontario, hereinafter called the "Commission," party of the first part;

and

The Municipal Corporation of the Town of Mount Forest, hereinafter called the "Corporation," party of the second part.

Whereas, pursuant to an Act to provide for the transmission of electrical power to municipalities known as the *Power Commission Act* and amendments thereto, the Corporation applied to the Commission for a supply of power, and the Commission fur-

nished the Corporation with estimates of the total cost of such power, ready for distribution within the limits of the Corporation (and the electors of the Corporation assented to the by-laws authorizing the Corporation to enter into a contract with the Commission for such power.)

1. Now therefore this indenture witnesseth that in consideration of the premises and of the agreement of the Corporation herein set forth, subject to the provisions of the said Act and amendments thereto, the Commission agrees with the Corporation:

(a) To reserve and deliver at the earliest possible date 400 h.p. or more of electrical power to the Corporation.

(b) At the expiration of reasonable notice in writing which may be given by the Corporation from time to time during the continuance of this agreement, to reserve and deliver to the Corporation additional electric power when called for.

(c) To use at all times first-class, modern, standard commercial apparatus and plant, and to exercise all due skill and diligence so as to secure satisfactory operation of the plant and apparatus of the Corporation.

(d) To deliver commercially continuous 24-hour power every day of the year to the Corporation at the distribution bus bars in the Commission's sub-station within the Corporation's limits.

2. In consideration of the premises and of the agreement herein set forth, the Corporation agrees with the Commission:

(a) To use all diligence by every lawful means in its power to prepare for the receipt and use of the power dealt with by this agreement so as to be able to receive power when the Commission is ready to deliver same.

(b) To pay annually, interest at rate payable by the Commission upon the Corporation's proportionate part (based on the quantity of electrical energy or power taken), of all monies expended by the Commission on capital account for the acquiring of properties and rights, the acquiring and construction of generating plants, transformer stations, transmission lines, distributing stations, and other works necessary for the delivery of said electrical energy or power to the Corporation under the terms of this contract.

Also to pay an annual sinking fund instalment of such amount as to form at the end of 30 years, with accrued interest, a sinking fund sufficient to repay the Corporation's proportionate part, based as aforesaid, of all monies advanced by the Province of Ontario for the acquiring of properties and rights, the acquiring and construction of generating plants, transformer stations, transmission lines, distributing stations and other work necessary for the delivery of said electrical energy or power, delivered to the Corporation under the terms of this contract. Also to pay the Corporation's proportionate part, based as aforesaid, of the cost of lost power and of the cost of operating, maintaining, repairing, renewing and insuring said generating plants, transformer stations, transmission lines, distributing stations and other necessary works. Subject to adjustment under Clause 6 of this agreement.

(c) The amount payable under this contract shall be paid in twelve monthly payments, in gold coin of the present standard of weight and fineness, at the offices of the Commission at Toronto. Bills shall be rendered by the Commission on or before the 5th day and paid by the Corporation on or before the 15th day of each month. If any bill remains unpaid for fifteen days, the Commission may, in addition to all other remedies and without notice, discontinue the supply of power to the Corporation until said bill is paid. No such discontinuance shall relieve the Corporation from

the performance of the covenants, provisos and conditions herein contained." All payments in arrears shall bear interest at the legal rate.

(d) To take electric power exclusively from the Commission during the continuance of this agreement.

(e) To co-operate by all means in its power at all times with the Commission to increase the quantity of power required from the Commission, and in all other respects to carry out the objects of this agreement, and of the said Act.

(f) To pay for three-fourths of the power ordered from time to time by the Corporation and held in reserve for it as herein provided whether it takes the same or not. When the highest average amount of power taken for any twenty consecutive minutes during any month shall exceed during the twenty consecutive minutes three-fourths of the amount ordered by the Corporation and held in reserve, then the Corporation shall pay for this greater amount during the entire month.

(g) If the Corporation during any month takes more than the amount of power ordered and held in reserve for it, as determined by an integrated peak, or the highest average, for a period of twenty consecutive minutes, the taking of such excess shall thereafter constitute an obligation on the part of the Corporation to pay for, and on the part of the Commission to hold in reserve, such increased quantity of power in accordance with the terms and conditions of this contract.

(h) When the power factor of the highest average amount of power taken for said twenty consecutive minutes falls below 90 per cent. the Corporation shall pay for 90 per cent. of said power divided by the power factor.

(i) To use at all times first-class, modern, standard commercial apparatus and plant, to be approved by the Commission.

(j) To exercise all due skill and diligence so as to secure satisfactory operation of the plant and apparatus of the Commission and of the Corporation.

3. This agreement shall remain in force for thirty years from date of the first delivery of power under this contract.

4. The power shall be alternating, three-phase, having a periodicity of approximately 60 cycles per second and shall be delivered as aforesaid at a voltage suitable for local distribution.

(a) That the meters with their series and potential transformers shall be connected at the point of delivery.

(b) The maintenance by the Commission of approximately the agreed voltage at approximately the agreed frequency at the sub-station in the limits of the Corporation shall constitute the supply of all power involved herein and the fulfilment of all operating obligations hereunder, and when voltage and frequency are so maintained, the amount of power, its fluctuations, load factor, power factor, distribution as to phases and all other electric characteristics and qualities, are under the sole control of the Corporation, their agents, customers, apparatus, appliances and circuits.

5. The engineers of the Commission, or one or more of them, or any other person or persons appointed for this purpose by the Commission, shall have the right from time to time during the continuance of this agreement to inspect the apparatus, plant and property of the Corporation and take records at all reasonable hours.

6. The Commission shall at least annually adjust and apportion the amount or amounts payable by the Municipal Corporation or Corporations for such power and such interest, sinking fund, cost of lost power and cost of generating, operating, maintaining, repairing, renewing and insuring said works.

If at any time any other Municipal Corporation, or pursuant to said Act, any railway or distributing company, or any other Corporations or person, applies to the Commission for a supply of power, the Commission shall notify the applicant and the involved Corporation or Corporations in writing, of a time and place to hear all representations that may be made as to the terms and conditions for such supply.

Without discrimination in favour of the applicants as to the price to be paid, for equal quantities of power, the Commission may supply power upon such terms and conditions, as may, having regard to the risk and expense incurred, and paid, and to be paid by the Corporation, appear equitable to the Commission, and are approved by the Lieutenant-Governor in Council.

No such application shall be granted if the said works or any part thereof are not adequate for such supply, or if the supply of the Corporation will be thereby injuriously affected, and no power shall be supplied within the limits of a Municipal Corporation taking power from the Commission at the time of such application without the written consent of such corporation.

In determining the quantity of power supplied to a Municipal Corporation, the quantity supplied by the Commission within the limits of the Corporation to any applicant, other than a Municipal Corporation, shall be computed as part of the quantity supplied to such Corporation, but such Corporation shall not be liable for payment for any portion of the power so supplied. No power shall be supplied by the Municipal Corporation to any railway or distributing company without the written consent of the Commission. Power shall not be sold for less than the cost and there shall be no discrimination as regards price and quantity.

7. It is hereby declared that the Commission is to be a trustee of all property held by the Commission under this agreement for the Corporation or Corporations supplied by the Commission but the Commission shall be entitled to a lien upon said property for all monies expended by the Commission under this agreement and not repaid. At the expiration of this agreement the Commission shall determine and adjust the rights of the Corporation and any other (if any), supplied by the Commission, having regard to the amounts paid by them respectively under the terms of this agreement, and such other considerations as may appear equitable to the Commission and are approved by the Lieutenant-Governor in Council.

8. If differences arise between Corporations to which the Commission is supplying power, the Commission may upon application fix a time and place and hear all representations that may be made by the parties and the Commission shall, in a summary manner, when possible, adjust such differences and such adjustment shall be final. The Commission shall have all the powers that may be conferred upon a Commissioner appointed under the *Act respecting Enquiries Concerning Public Matters*.

9. This agreement shall extend to, be binding upon, and enure to the benefit of the successors and assigns of the parties hereto.

In witness whereof the Commission and the Corporation have respectively affixed their corporate seals and the hands of their proper officers.

(Seal)

HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO,

A. BECK, *Chairman.*
W. W. POPE, *Secretary.*

MUNICIPAL CORPORATION OF THE TOWN OF MARKDALE.

T. CLARK, *Mayor.*
W. C. PERRY, *Clerk.*

(Seal)

SCHEDULE "H."

This indenture made in duplicate the _____ day of _____, in the year of our Lord,

Between

The Hydro-Electric Power Commission of Ontario, hereinafter called the "Commission" party of the first part;

and

The Municipal Corporation of the Village of Chatsworth, hereinafter called the "Corporation," party of the second part.

Whereas, pursuant to an Act to provide for the transmission of electrical power to municipalities known as *The Power Commission Act* and amendments thereto, the Corporation applied to the Commission for a supply of power, and the Commission furnished the Corporation with estimates of the total cost of such power, ready for distribution within the limits of the Corporation (and the electors of the Corporation assented to the by-laws authorizing the Corporation to enter into a contract with the Commission for such power).

1. Now therefore this indenture witnesseth that in consideration of the premises and of the agreement of the Corporation herein set forth, subject to the provisions of the said Act and amendments thereto, the Commission agrees with the Corporation:

(a) To reserve and deliver at the earliest possible date 75 h.p. or more of electrical power to the Corporation.

(b) At the expiration of reasonable notice in writing which may be given by the Corporation from time to time during the continuance of this agreement, to reserve and deliver to the Corporation additional electric power when called for.

(c) To use at all times first-class, modern, standard, commercial apparatus and plant, and to exercise all due skill and diligence so as to secure satisfactory operation of the plant and apparatus of the Corporation.

(d) To deliver commercially continuous 24-hour power every day in the year to the Corporation at the distribution bus bars in the Commission's substation within the Corporation's limits.

2. In consideration of the premises and of the agreements herein set forth, the Corporation agrees with the Commission:

(a) To use all diligence by every lawful means in its power to prepare for the receipt and use of the power dealt with by this

agreement so as to be able to receive power when the Commission is ready to deliver same.

(b) To pay annually interest at rate payable by the Commission upon the Corporation's proportionate part (based on the quantity of electrical energy or power taken) of all monies expended by the Commission on capital account for the acquiring of properties and rights, the acquiring and construction of generating plants, transformer stations, transmission lines, distributing stations and other works necessary for the delivery of said electrical energy or power to the Corporation under the terms of this contract.

Also to pay an annual sinking fund instalment of such amount as to form at the end of 30 years, with accrued interest, a sinking fund sufficient to repay the Corporation's proportionate part, based as aforesaid, of all monies advanced by the Province of Ontario for the acquiring of properties and rights, the acquiring and construction of generating plants, transformer stations, transmission lines, distributing stations, and other work necessary for the delivery of said electrical energy or power delivered to the Corporation under the terms of this contract. Also to pay the Corporation's proportionate part, based as aforesaid, of the cost of lost power and of the cost of operating, maintaining, repairing, renewing and insuring said generating plants, transformer stations, transmission lines, distributing stations and other necessary works. Subject to adjustment under clause 6 of this agreement.

(c) The amounts payable under this contract shall be paid in twelve monthly payments, in gold coin of the present standard of weight and fineness, at the offices of the Commission at Toronto. Bills shall be rendered by the Commission on or before the 5th day and paid by the Corporation on or before the 15th day of each month. If any bill remains unpaid for fifteen days, the Commission may, in addition to all other remedies and without notice, discontinue the supply of power to the Corporation until said bill is paid. No such discontinuance shall relieve the Corporation from the performance of the covenants, provisions and conditions herein contained. All payments in arrears shall bear interest at the legal rate.

(d) To take electric power exclusively from the Commission during the continuance of this agreement.

(e) To co-operate by all means in its power at all times with the Commission to increase the quantity of power required from the Commission, and in all other respects to carry out the objects of this agreement and of the said Act.

(f) To pay for three-fourths of the power ordered from time to time by the Corporation and held in reserve for it as herein provided whether it takes the same or not. When the highest average amount of power taken for any twenty consecutive minutes during any month shall exceed during the twenty consecutive minutes three-fourths of the amount ordered by the Corporation and held in reserve, then the Corporation shall pay for this greater amount during the entire month.

(g) If the Corporation during any month takes more than the amount of power ordered and held in reserve for it, as determined by an integrated peak, or highest average, for a period of twenty consecutive minutes, the taking of such excess shall thereafter constitute an obligation on the part of the Corporation to pay for, and on the part of the Commission to hold in reserve, such increased quantity of power in accordance with the terms and conditions of this contract.

(h) When the power factor of the highest average amount of power taken for said twenty consecutive minutes falls below 90%

the Corporation shall pay for 90% of said power divided by the power factor.

(i) To use at all times first-class, modern, standard, commercial apparatus and plant, to be approved by the Commission.

(j) To exercise all due skill and diligence so as to secure satisfactory operation of the plant and apparatus of the Commission and of the Corporation.

3. This agreement shall remain in force for thirty years from date of the first delivery of power under this contract.

4. The power shall be alternating, three-phase, having a periodicity of approximately 60 cycles per second, and shall be delivered as aforesaid at a voltage suitable for local distribution.

(a) That the meters, with their series and potential transformers, shall be connected at the point of delivery.

(b) The maintenance by the Commission of approximately the agreed voltage at approximately the agreed frequency at the substation in the limits of the Corporation shall constitute the supply of all power involved herein and the fulfilment of all operating obligations hereunder, and when voltage and frequency are so maintained, the amount of power, its fluctuations, load factor, power factor, distribution as to phases and all other electric characteristics and qualities, are under the sole control of the Corporation, their agents, customers, apparatus, appliances and circuits.

5. The engineers of the Commission, or one or more of them, or any other person or persons appointed for this purpose by the Commission, shall have the right from time to time during the continuance of this agreement to inspect the apparatus, plant and property of the Corporation and take records at all reasonable hours.

6. The Commission shall at least annually adjust and apportion the amount or amounts payable by the Municipal Corporation or Corporations for such power, and such interest, sinking fund, cost of lost power and cost of generating, operating, maintaining, repairing, renewing and insuring said works.

If at any time any other Municipal Corporation, or, pursuant to said Act, any railway or distributing company, or any other Corporations or person applies to the Commission for a supply of power, the Commission shall notify the applicant and the involved Corporation or Corporations in writing of a time and place to hear all representations that may be made as to the terms and conditions for such supply.

Without discrimination in favour of the applicants as to the price to be paid for equal quantities of power, the Commission may supply power upon such terms and conditions as may, having regard to the risk and expense incurred and paid and to be paid by the Corporation, appear equitable to the Commission and are approved by the Lieutenant-Governor in Council.

No such application shall be granted if the said works, or any part thereof, are not adequate for such supply, or if the supply of the Corporation will be thereby injuriously affected, and no power shall be supplied within the limits of a Municipal Corporation taking power from the Commission at the time of such application without the written consent of such Corporation.

In determining the quantity of power supplied to a Municipal Corporation, the quantity supplied by the Commission within the limits of the Corporation to any applicant, other than a Municipal Corporation, shall be computed as part of the quantity supplied to

such Corporation, but such Corporation shall not be liable for payment for any portion of the power so supplied. No power shall be supplied by the Municipal Corporation to any railway or distributing company without the written consent of the Commission. Power shall not be sold for less than the cost, and there shall be no discrimination as regards price and quantity.

7. It is hereby declared that the Commission is to be a trustee of all property held by the Commission under this agreement for the Corporation or Corporations supplied by the Commission, but the Commission shall be entitled to a lien upon said property for all monies expended by the Commission under this agreement and not repaid. At the expiration of this agreement the Commission shall determine and adjust the rights of the Corporation and any other (if any) supplied by the Commission, having regard to the amounts paid by them respectively under the terms of this agreement, and such other considerations as may appear equitable to the Commission and are approved by the Lieutenant-Governor in Council.

8. If differences arise between Corporations to which the Commission is supplying power, the Commission may, upon application, fix a time and place and hear all representations that may be made by the parties, and the Commission shall, in a summary manner, when possible, adjust such differences, and such adjustment shall be final. The Commission shall have all the powers that may be conferred upon a Commissioner appointed under *The Act Respecting Enquiries Concerning Public Matters*.

9. This agreement shall extend to, be binding upon, and enure to the benefit of the successors and assigns of the parties hereto.

In witness whereof the Commission and the Corporation have respectively affixed their corporate seals and the hands of their proper officers.

HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO.

(Seal)

J. B. LUCAS, *Vice-Chairman*.
W. W. POPE, *Secretary*.

THE CORPORATION OF THE VILLAGE OF CHATSWORTH.

(Seal)

WM. BREESE, *Reeve*.
W. G. REILLY, *Clerk*.

SCHEDULE "I."

This Indenture made in duplicate the 1st day of March in the year of our Lord, 1915,

Between

The Hydro-Electric Power Commission of Ontario, hereinafter called the "Commission," party of the first part;

and

The Municipal Corporation of the Village of Dundalk, hereinafter called the "Corporation," party of the second part.

Whereas, pursuant to an Act to provide for the transmission of electrical power to municipalities, known as the *Power Commission Act* and amendments thereto, the Corporation applied to the Commission for a supply of power, and the Commission furnished the Corporation with estimates of the total cost of such power, ready for distribution within the limits of the Corporation (and the electors of the Corporation assented to the by-laws authorizing the Corporation to enter into a contract with the Commission for such power).

1. Now therefore this indenture witnesseth that in consideration of the premises and of the agreement of the Corporation herein set forth, subject to the provisions of the said Act and Amendments thereto, the Commission agrees with the Corporation:

(a) To reserve and deliver at the earliest possible date 200 h.p. or more of electrical power to the Corporation.

(b) At the expiration of reasonable notice in writing, which may be given by the Corporation from time to time during the continuance of this agreement, to reserve and deliver to the Corporation additional electric power when called for.

(c) To use at all times first-class, modern, standard, commercial apparatus and plant, and to exercise all due skill and diligence so as to secure satisfactory operation of the plant and apparatus of the Corporation.

(d) To deliver commercially continuous 24-hour power every day in the year to the Corporation at the distribution bus bars in the Commission's sub-station within the Corporation's limits.

2. In consideration of the premises and of the agreements herein set forth the Corporation agrees with the Commission:

(a) To use all diligence by every lawful means in its power to prepare for the receipt and use of the power dealt with by this agreement so as to be able to receive power when the Commission is ready to deliver same.

(b) To pay annually, interest at rate payable by the Commission upon the Corporation's proportionate part (based on the quantity of electrical energy or power taken), of all monies expended by the Commission on capital account for the acquiring of properties and rights, the acquiring and construction of generating plants, transformer stations, transmission lines, distributing stations, and other works necessary for the delivery of said electrical energy or power to the Corporation under the terms of this contract;

Also to pay an annual sinking fund, instalment of such amount as to form at the end of 30 years, with accrued interest, a sinking fund sufficient to repay the Corporation's proportionate part, based

as aforesaid, of all monies advanced by the Province of Ontario for the acquiring of properties and rights, the acquiring and construction of generating plants, transformer stations, transmission lines, distributing stations and other work necessary for the delivery of said electrical energy or power, delivered to the Corporation under the terms of this contract. Also to pay the Corporation's proportionate part, based as aforesaid, of the cost of lost power and of the cost of operating, maintaining, repairing, renewing and insuring said generating plants, transformer stations, transmission lines, distributing stations and other necessary works. Subject to adjustment under clause 6 of this agreement.

(c) The amounts payable under this contract shall be paid in twelve monthly payments, in gold coin of the present standard of weight and fineness at the offices of the Commission at Toronto. Bills shall be rendered by the Commission on or before the 5th day and paid by the Corporation on or before the 15th day of each month. If any bill remains unpaid for fifteen days, the Commission may, in addition to all other remedies and without notice, discontinue the supply of power to the Corporation until said bill is paid. No such discontinuance shall relieve the Corporation from the performance of the covenants, provisos and conditions herein contained. All payments in arrears shall bear interest at the legal rate.

(d) To take electric power exclusively from the Commission during the continuance of this agreement.

(e) To co-operate by all means in its power at all times with the Commission to increase the quantity of power required from the Commission, and in all other respects to carry out the objects of this agreement and of the said Act.

(f) To pay for three-fourths of the power ordered from time to time by the Corporation and held in reserve for it as herein provided whether it takes the same or not. When the highest average amount of power taken for any twenty consecutive minutes during any month shall exceed during the twenty consecutive minutes three-fourths of the amount ordered by the Corporation and held in reserve, then the Corporation shall pay for this greater amount during the entire month;

(g) If the Corporation during any month takes more than the amount of power ordered and held in reserve for it, as determined by an integrated peak, or the highest average, for a period of twenty consecutive minutes, the taking of such excess shall thereafter constitute an obligation on the part of the Corporation to pay for, and on the part of the Commission to hold in reserve, such increased quantity of power in accordance with the terms and conditions of this contract.

(h) When the power factor of the highest average amount of power taken for said twenty consecutive minutes falls below 90 per cent., the Corporation shall pay for 90 per cent. of said power divided by the power factor.

(i) To use at all times first-class, modern, standard, commercial apparatus and plant, to be approved by the Commission.

(j) To exercise all due skill and diligence so as to secure satisfactory operation of the plant and apparatus of the Commission and of the Corporation.

3. This agreement shall remain in force for thirty years from date of the first delivery of power under this contract.

4. The power shall be alternating, three-phase, having a periodicity of approximately 60 cycles per second and shall be delivered as aforesaid at a voltage suitable for local distribution.

(a) That the meters with their series and potential transformers shall be connected at the point of delivery.

(b) The maintenance by the Commission of approximately the agreed voltage at approximately the agreed frequency at the substation in the limits of the Corporation shall constitute the supply of all power involved herein and the fulfilment of all operating obligations hereunder, and when voltage and frequency are so maintained, the amount of power, its fluctuations, load factor, power factor, distribution as to phases and all other electric characteristics and qualities, are under the sole control of the Corporation, their agents, customers, apparatus, appliances and circuits.

5. The engineers of the Commission, or one or more of them, or any other person or persons appointed for this purpose by the Commission, shall have the right from time to time during the continuance of this agreement to inspect the apparatus, plant, and property of the Corporation and take records at all reasonable hours.

6. The Commission shall at least annually adjust and apportion the amount or amounts payable by the Municipal Corporation or corporations for such power and such interest, sinking fund, cost of lost power and cost of generating, operating, maintaining, repairing, renewing and insuring said works.

If at any time any other municipal corporation, or pursuant to said Act, any railway or distributing company, or any other corporations or person, applies to the Commission for a supply of power, the Commission shall notify the applicant and the involved Corporation or corporations in writing, of a time and place to hear all representations that may be made as to the terms and conditions for such supply.

Without discrimination in favour of the applicants as to the price to be paid, for equal quantities of power, the Commission may supply power upon such terms and conditions as may, having regard to the risk and expense incurred, and paid, and to be paid by the Corporation, appear equitable to the Commission, and are approved by the Lieutenant-Governor in Council.

No such application shall be granted if the said works or any part thereof are not adequate for such supply, or if the supply of the Corporation will be thereby injuriously affected, and no power shall be supplied within the limits of a municipal corporation taking power from the Commission at the time of such application without the written consent of such corporation.

In determining the quantity of power supplied to a municipal corporation, the quantity supplied by the Commission within the limits of the Corporation to any applicant, other than a municipal corporation, shall be computed as part of the quantity supplied to such corporation, but such corporation shall not be liable for payment for any portion of the power supplied. No power shall be supplied by the municipal corporation to any railway or distributing company without the written consent of the Commission. Power shall not be sold for less than the cost, and there shall be no discrimination as regards price and quantity.

7. It is hereby declared that the Commission is to be a trustee of all property held by the Commission under this agreement for the Corporation or corporations supplied by the Commission, but the Commission shall be entitled to a lien upon the said property for all monies expended by the Commission under this agreement and not repaid. At the expiration of this agreement the Commission shall determine and adjust the rights of the Corporation and any other (if any) supplied by the Commission, having regard to the amounts paid by them respectively under the terms of this agreement, and such other considerations as may appear equitable to

the Commission and are approved by the Lieutenant-Governor in Council.

8. If differences arise between corporations to which the Commission is supplying power, the Commission may upon application fix a time and place and hear all representations that may be made by the parties and the Commission shall, in a summary manner, when possible, adjust such differences and such adjustment shall be final. The Commission shall have all the powers that may be conferred upon a commissioner appointed under the *Act respecting Enquiries concerning Public Matters*.

9. This agreement shall extend to, be binding upon, and enure to the benefit of the successors and assigns of the parties hereto.

In witness whereof the Commission and the Corporation have respectively affixed their corporate seals and the hands of their proper officers.

HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO.

A. BECK, *Chairman*.
W. W. POPE, *Secretary*.

(SEAL.)

THE MUNICIPAL CORPORATION OF THE VILLAGE OF
DUNDALK.

JOHN SINCLAIR, *Reeve*.
M. N. RINLEY, *Clerk*.

(SEAL.)

SCHEDULE "J."

This Indenture made in duplicate the day of , in the
year of our Lord

Between

The Hydro-Electric Power Commission of Ontario, hereinafter
called the "Commission," party of the first part;

and

The Municipal Corporation of the Village of Flesherton, here-
inafter called the "Corporation," party of the second part.

Whereas, pursuant to an Act to provide for the transmission of electrical power to municipalities known as *The Power Commission Act* and amendments thereto, the Corporation applied to the Commission for a supply of power, and the Commission furnished the Corporation with estimates of the total cost of such power, ready for distribution within the limits of the Corporation (and the electors of the Corporation assented to the by-laws authorizing the Corporation to enter into a contract with the Commission for such power).

1. Now therefore this indenture witnesseth that in consideration of the premises and of the agreement of the Corporation herein set forth, subject to the provisions of the said Act and amendments thereto, the Commission agrees with the Corporation:

(a) To reserve and deliver at the earliest possible date 75 h.p. or more of electrical power to the Corporation.

(b) At the expiration of reasonable notice in writing which may be given by the Corporation from time to time during the con-

tinuance of this agreement, to reserve and deliver to the Corporation additional electric power when called for.

(c) To use at all times first-class, modern, standard, commercial apparatus and plant, and to exercise all due skill and diligence so as to secure satisfactory operation of the plant and apparatus of the Corporation.

(d) To deliver commercially continuous twenty-four hour power every day in the year to the Corporation at the distribution bus bars in the Commission's sub-station within the Corporation's limits.

2. In consideration of the premises and of the agreements herein set forth, the Corporation agrees with the Commission:—

(a) To use all diligence by every lawful means within its power to prepare for the receipt and use of the power dealt with by this agreement so as to be able to receive power when the Commission is ready to deliver the same.

(b) To pay annually interest at rate payable by the Commission upon the Corporation's proportionate part (based on the quantity of electrical energy or power taken), of all moneys expended by the Commission on capital account for the acquiring of properties and rights, the acquiring and construction of generating plants, transformer stations, transmission lines, distributing stations, and other works necessary for the delivery of said electrical energy or power to the Corporation under the terms of this contract.

Also to pay an annual sinking fund instalment of such amount as to form at the end of thirty years, with accrued interest, a sinking fund sufficient to repay the Corporation's proportionate part, based as aforesaid, of all moneys advanced by the Province of Ontario for the acquiring of properties and rights, the acquiring and construction of generating plants, transformer stations, transmission lines, distributing stations and other work necessary for the delivery of said electrical energy or power, delivered to the Corporation under the terms of this contract. Also to pay the Corporation's proportionate part, based as aforesaid, of the cost of lost power and of the cost of operating, maintaining, repairing, renewing and insuring said generating plants, transformer stations, transmission lines, distributing stations and other necessary works. Subject to adjustment under Clause 6 of this agreement.

(c) The amounts payable under this contract shall be paid in twelve monthly instalments, in gold coin of the present standard of weight and fineness, at the offices of the Commission at Toronto. Bills shall be rendered by the Commission on or before the 5th day and paid by the Corporation on or before the 15th day of each month. If any bill remains unpaid for fifteen days, the Commission may, in addition to all other remedies and without notice, discontinue the supply of power to the Corporation until said bill is paid. No such discontinuance shall relieve the Corporation from the performance of the covenants, provisos and conditions herein contained. All payments in arrears shall bear interest at the legal rate.

(d) To take electric power exclusively from the Commission during the continuance of this agreement.

(e) To co-operate by all means in its power at all times with the Commission to increase the quantity of power required from the Commission, and in all other respects to carry out the objects of this agreement and of the said Act.

(f) To pay for three-fourths of the power ordered from time to time by the Corporation and held in reserve for it as herein pro-

vided whether it takes the same or not. When the highest average amount of power taken for any twenty consecutive minutes during any month shall exceed during the twenty consecutive minutes three-fourths of the amount ordered by the Corporation and held in reserve, then the Corporation shall pay for this greater amount during the entire month;

(g) If the Corporation during any month takes more than the amount of power ordered and held in reserve for it, as determined by an integrated peak, or the highest average, for a period of twenty consecutive minutes, the taking of such excess shall thereafter constitute an obligation on the part of the Corporation to pay for, and on the part of the Commission to hold in reserve, such increased quantity of power in accordance with the terms and conditions of this contract.

(h) When the power factor of the highest average amount of power taken for said twenty consecutive minutes falls below 90%, the Corporation shall pay for 90% of said power divided by the power factor.

(i) To use at all times first-class, modern, standard, commercial apparatus and plant, to be approved by the Commission.

(j) To exercise all due skill and diligence so as to secure satisfactory operation of the plant and apparatus of the Commission and of the Corporation.

3. This agreement shall remain in force for thirty years from date of the first delivery of power under this contract.

4. The power shall be alternating, three phase, having a periodicity of approximately sixty cycles per second and shall be delivered as aforesaid at a voltage suitable for local distribution.

(a) That the meters with their series and potential transformers shall be connected at the point of delivery.

(b) The maintenance by the Commission of approximately the agreed voltage at approximately the agreed frequency at the substation in the limits of the Corporation shall constitute the supply of all power involved herein and the fulfilment of all operating obligations hereunder, and when voltage and frequency are so maintained, the amount of power, its fluctuations, load factor, power factor, distribution as to phases and all other electric characteristics and qualities, are under the sole control of the Corporation, their agents, customers, apparatus, appliances and circuits.

5. The engineers of the Commission, or one or more of them, or any other person or persons appointed for this purpose by the Commission, shall have the right from time to time during the continuance of this agreement to inspect the apparatus, plant and property of the Corporation and take records at all reasonable hours.

6. The Commission shall at least annually adjust and apportion the amount or amounts payable by the municipal corporation or corporations for such power and such interest, sinking fund, cost of lost power and cost of generating, operating, maintaining, repairing, renewing and insuring said works.

If at any time any other municipal corporation, or pursuant to said Act, any railway or distributing company, or any other corporations or person, applies to the Commission for a supply of power, the Commission shall notify the applicant and the involved corporation or corporations in writing, of a time and place to hear all representations that may be made as to the terms and conditions for such supply.

Without discrimination in favour of the applicants as to the price to be paid, for equal quantities of power, the Commission may supply power upon such terms and conditions as may, having regard to the risk and expense incurred, and paid, and to be paid by the Corporation, appear equitable to the Commission, and are approved by the Lieutenant-Governor in Council.

No such application shall be granted if the said works or any part thereof are not adequate for such supply, or if the supply of the Corporation will be thereby injuriously affected, and no power shall be supplied within the limits of a municipal corporation taking power from the Commission at the time such application without the written consent of such Corporation.

In determining the quantity of power supplied to a municipal corporation, the quantity supplied by the Commission within the limits of the Corporation to any applicant other than a municipal corporation, shall be computed as part of the quantity supplied to such corporation, but such corporation shall not be liable for payment for any portion of the power so supplied. No power shall be supplied by the municipal corporation to any railway or distributing company without the written consent of the Commission. Power shall not be sold for less than the cost and there shall be no discrimination as regards price and quantity.

7. It is hereby declared that the Commission is to be a trustee of all property held by the Commission under this agreement for the corporation or corporations supplied by the Commission, but the Commission shall be entitled to a lien upon said property for all moneys expended by the Commission under this agreement and not repaid. At the expiration of this agreement the Commission shall determine and adjust the rights of the Corporation and any other (if any) supplied by the Commission, having regard to the amounts paid by them respectively under the terms of this agreement, and such other consideration as may appear equitable to the Commission and are approved by the Lieutenant-Governor in Council.

8. If differences arise between Corporations to which the Commission is supplying power, the Commission may upon application fix a time and place and hear all representations that may be made by the parties, and the Commission shall, in a summary manner, when possible, adjust such differences, and such adjustment shall be final. The Commission shall have all the powers that may be conferred upon a commissioner appointed under *The Act respecting Enquiries Concerning Public Matters*.

9. This agreement shall extend to, be binding upon, and enure to the benefit of the successors and assigns of the parties hereto.

In witness whereof the Commission and the Corporation have respectively affixed their corporate seals and the hands of their proper officers.

HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO.

A. BECK, *Chairman*.
W. W. POPE, *Secretary*.

MUNICIPAL CORPORATION OF THE VILLAGE OF
FLESHERTON.

D. McTAVISH, *Reeve*.
W. J. BELLAMY, *Village Clerk*.

SCHEDULE "K."

This Indenture made in duplicate the day of
in the year of our Lord,

Between

The Hydro-Electric Power Commission of Ontario, hereinafter
called the "Commission," party of the first part,

and

The Municipal Corporation of the Village of Shelburne, herein-
after called the "Corporation," party of the second part.

Whereas, pursuant to an Act to provide for the transmission of electrical power to municipalities known as the *Power Commission Act* and amendments thereto, the Corporation applied to the Commission for a supply of power, and the Commission furnished the Corporation with estimates of the total cost of such power, ready for distribution within the limits of the Corporation (and the electors of the Corporation assented to the by-laws authorizing the Corporation to enter into a contract with the Commission for such power).

1. Now therefore this indenture witnesseth that in consideration of the premises and of the agreement of the Corporation herein set forth, subject to the provisions of the said Act and Amendments thereto, the Commission agrees with the Corporation:

(a) To reserve and deliver at the earliest possible date 300 h.p. or more of electrical power to the Corporation.

(b) At the expiration of reasonable notice in writing which may be given by the Corporation from time to time during the continuance of this agreement, to reserve and deliver to the Corporation additional electric power when called for.

(c) To use at all times, first-class, modern, standard commercial apparatus and plant, and to exercise all due skill and diligence so as to secure satisfactory operation of the plant and apparatus of the Corporation.

(d) To deliver commercially continuous 24-hour power every day in the year to the Corporation at the distribution bus bars in the Commission's sub-station within the Corporation's limits.

2. In consideration of the premises and of the agreement herein set forth, the Corporation agrees with the Commission:

(a) To use all diligence by every lawful means in its power to prepare for the receipt and use of the power dealt with by this agreement so as to be able to receive power when the Commission is ready to deliver same.

(b) To pay annually, interest at rate payable by the Commission upon the Corporation's proportionate part (based on the quantity of electrical energy or power taken), of all monies expended by the Commission on capital account for the acquiring of properties and rights, the acquiring and construction of generating plants, transformer stations, transmission lines, distributing stations, and other works necessary for the delivery of said electrical energy or power to the Corporation under the terms of this contract.

Also to pay an annual sinking fund instalment of such amount as to form at the end of 30 years, with accrued interest, a sinking fund sufficient to repay the Corporation's proportionate part, based

as aforesaid, on all monies advanced by the Province of Ontario for the acquiring of properties and rights, the acquiring and construction of generating plants, transformer stations, transmission lines, distributing stations and other work necessary for the delivery of said electrical energy or power, delivered to the Corporation under the terms of this contract. Also to pay the Corporation's proportionate part, based as aforesaid, of the cost of lost power and the cost of operating, maintaining, repairing, renewing and insuring said generating plants, transformer stations, transmission lines, distributing stations and other necessary works. Subject to adjustment under Clause 6 of this agreement.

(c) The amounts payable under this contract shall be paid in twelve monthly payments, in gold coin of the present standard of weight and fineness, at the offices of the Commission at Toronto. Bills shall be rendered by the Commission on or before the 5th day and paid by the Corporation on or before the 15th day of each month. If any bill remains unpaid for fifteen days, the Commission may, in addition to all other remedies and without notice, discontinue the supply of power to the Corporation until said bill is paid. No such discontinuance shall relieve the Corporation from the performance of the covenants, provisos and conditions herein contained. All payments in arrears shall bear interest at the legal rate.

(d) To take electric power exclusively from the Commission during the continuance of this agreement.

(e) To co-operate by all means in its power at all times with the Commission to increase the quantity of power required from the Commission, and in all other respects to carry out the objects of this agreement, and of the said Act.

(f) To pay for three-fourths of the power ordered from time to time by the Corporation and held in reserve for it as herein provided whether it takes the same or not. When the highest average amount of power taken for any twenty consecutive minutes during any month shall exceed during the twenty consecutive minutes three-fourths of the amount ordered by the Corporation and held in reserve, then the Corporation shall pay for this greater amount during the entire month.

(g) If the Corporation during any month takes more than the amount of power ordered and held in reserve for it, as determined by an integrated peak, or highest average, for a period of twenty consecutive minutes, the taking of such excess shall thereafter constitute an obligation on the part of the Corporation to pay for, and on the part of the Commission to hold in reserve, such increased quantity of power in accordance with the terms and conditions of this contract.

(h) When the power factor of the highest average amount of power taken for said twenty consecutive minutes falls below 90 per cent. the Corporation shall pay for 90 per cent. of said power divided by the power factor.

(i) To use at all times first-class, modern, standard commercial apparatus and plant, to be approved by the Commission.

(j) To exercise all due skill and diligence so as to secure satisfactory operation of the plant and apparatus of the Commission and of the Corporation.

3. This agreement shall remain in force for thirty years from date of the first delivery of power under this contract.

4. The power shall be alternating, three phase, having a periodicity of approximately 60 cycles per second and shall be delivered as aforesaid at a voltage suitable for local distribution.

(a) That the meters with their series and potential transformers shall be connected at the point of delivery.

(b) The maintenance by the Commission of approximately the agreed voltage at approximately the agreed frequency at the sub-station in the limits of the Corporation shall constitute the supply of all power involved herein and the fulfilment of all operating obligations hereunder, and when voltage and frequency are so maintained, the amount of power, its fluctuations, load factor, power factor, distribution as to phases and all other electric characteristics and qualities, are under the sole control of the Corporation, their agents, customers, apparatus, appliances and circuits.

5. The engineers of the Commission, or one or more of them, or any other person or persons appointed for this purpose by the Commission, shall have the right from time to time during the continuance of this agreement to inspect the apparatus, plant and property of the Corporation and take records at all reasonable hours.

6. The Commission shall at least annually adjust and apportion the amount or amounts payable by the Municipal Corporation or Corporations for such power and such interest, sinking fund, cost of lost power and cost of generating, operating, maintaining, repairing, renewing and insuring said works.

It at any time any other Municipal Corporation, or pursuant to said Act, any railway or distributing company, or any other Corporation or person, applies to the Commission for a supply of power, the Commission shall notify the applicant and the involved Corporation or Corporations in writing, of a time and place to hear all representations that may be made as to the terms and conditions for such supply.

Without discrimination in favour of the applicants as to the price to be paid, for equal quantities of power, the Commission may supply power upon such terms and conditions as may, having regard to the risk and expense incurred, and paid, and to be paid by the Corporation, appear equitable to the Commission, and are approved by the Lieutenant-Governor in Council.

No such application shall be granted if the said works or any part thereof are not adequate for such supply, or if the supply of the Corporation will be thereby injuriously affected, and no power shall be supplied within the limits of a Municipal Corporation taking power from the Commission at the time of such application without the written consent of such Corporation.

In determining the quantity of power supplied to a Municipal Corporation, the quantity supplied by the Commission within the limits of the Corporation to any applicant, other than a Municipal Corporation, shall be computed as part of the quantity supplied to such Corporation, but such Corporation shall not be liable for payment for any portion of the power so supplied. No power shall be supplied by the Municipal Corporation to any railway or distributing company without the written consent of the Commission. Power shall not be sold for less than the cost and there shall be no discrimination as regards price and quantity.

7. It is hereby declared that the Commission is to be a trustee of all property held by the Commission under this agreement for the Corporation or Corporations supplied by the Commission but the Commission shall be entitled to a lien upon said property for all monies expended by the Commission under this agreement and not repaid. At the expiration of this agreement the Commission shall determine and adjust the rights of the Corporation and any other (if any) supplied by the Commission, having regard to the amounts paid by them respectively under the terms of this agreement, and such other considerations as may appear equitable to the Commission and are approved by the Lieutenant-Governor in Council.

8. If differences arise between Corporations to which Commission is supplying power, the Commission may, upon application, fix a time and place and hear all representations that may be made by the parties and the Commission shall, in a summary manner, when possible, adjust such differences and such adjustment shall be final. The Commission shall have all the powers that may be conferred upon a Commissioner under the *Act respecting Enquiries concerning Public Matters*.

9. This agreement shall extend to, be binding upon, and enure to the benefit of the successors and assigns of the parties hereto.

In witness whereof the Commission and the Corporation have respectively affixed their corporate seals and the hands of their proper officers.

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO,

A. BECK, *Chairman*.
W. W. POPE, *Secretary*.

MUNICIPAL CORPORATION OF THE VILLAGE OF
SHELBURNE.

HUGH FALCONEB, *Reeve*.

Witness:

THOS. WHALLEY, *Clerk*.

SCHEDULE "L."

This Indenture made (in duplicate) the twenty-sixth day of August, in the year of our Lord one thousand nine hundred and fifteen,

Between

The Hydro-Electric Power Commission of Ontario, hereinafter called the "Commission," party of the first part;

and

The Municipal Corporation of the Village of Victoria Harbour, hereinafter called the "Corporation," party of the second part.

Whereas, pursuant to *An Act to provide for transmission of Electrical Power to Municipalities*, the Corporation applied to the Commission for a supply of power, and the electors of the Corporation assented to a by-law authorizing the Corporation to enter into a contract with the Commission for such power.

1. Now therefore this indenture witnesseth that in consideration of the premises and of the agreements of the Corporation herein set forth, subject to the provisions of said Act and of the said contract, the Commission agrees with the Corporation:

(a) To reserve and deliver at the earliest possible date 50 h.p. or more of electric power to the Corporation.

(b) At the expiration of thirty days' notice in writing which may be given by the Corporation from time to time, during the continuance of this agreement, to reserve and deliver to the Corporation additional electric power when called for in blocks of 25 h.p. each up to the limit of the capacity of the Big Chute's Power Development;

(c) To use at all times first-class, modern, standard, commercial apparatus and plant, and to exercise all due skill and diligence so

as to secure satisfactory operation of the plant and apparatus of the Corporation.

(d) The power shall be delivered to the Corporation at approximately 2,200 volts and at approximately sixty cycles per second.

2. In consideration of the premises and of the agreements herein set forth, the Corporation agrees with the Commission:

(a) To use all diligence by every lawful means in its power to prepare for the receipt and use of the power dealt with by this agreement so as to be able to receive power when the Commission is ready to deliver same.

(b) Subject to the provisions of paragraph 2 (f) hereof, to pay the Commission sixteen dollars and fifty cents (\$16.50) per h.p. per annum for all power taken by the Corporation at the interswitching structure located on the Commission's transmission lines at the Village of Waubauskene.

Nothing herein contained shall bind the Commission to supply power on the demand of the Corporation after the capacity of the Big Chute's plant has been reached, unless the Commission has power available or capable of development.

(c) To pay in addition annually, interest (at the same rate as paid by the Commission) upon the moneys expended by the Commission on capital account for the construction of transmission lines, the transformer station and equipment, and all other necessary works required for the delivery of power and transforming it from 22,000 to 2,200 volts.

Also to pay an annual part of the cost of the construction of said line, station and works so as to form in thirty years a sinking fund for the repayment of the moneys advanced by the Province of Ontario, in connection with this work.

Also to pay the Corporation's proportionate part of the cost of lost power, of operating, maintaining, repairing, renewing and insuring the said line, station and works.

(d) The amounts payable under this contract shall be paid in twelve monthly payments, in gold coin of the present standard of weight and fineness, at the office of the Commission at Toronto, and bills shall be rendered by the Commission on or before the 5th day and paid by the Corporation on or before the 15th day of each month. If any bill remains unpaid for fifteen days, the Commission may, in addition to all other remedies and without notice, discontinue the supply of power to the Corporation until said bill is paid. No such discontinuance shall relieve the Corporation from the performance of the covenants, provisoes and conditions herein contained. All payments in arrears shall bear interest at the legal rate.

(e) To take electric power exclusively from the Commission during the continuance of this agreement.

(f) To pay for three-fourths of the power ordered from time to time by the Corporation and held in reserve for it as herein provided, whether it takes the same or not. When the greatest average amount of power taken for any twenty consecutive minutes during any month shall exceed during the twenty consecutive minutes three-fourths of the amount ordered by the Corporation and held in reserve, then the Corporation shall pay for this greater amount during the entire month.

If the Corporation during any month takes more than the amount of power ordered and held in reserve for it for twenty consecutive

minutes, the taking of such excess shall thereafter constitute an obligation on the part of the Corporation to pay for, and on the part of the Commission to hold in reserve an additional block of power in accordance with the terms and conditions of this contract.

When the power factor of the greatest amount of power taken for said twenty consecutive minutes falls below 90%, the Corporation shall pay for 90% of said power divided by the power factor.

(g) To use at all times first-class, modern, standard commercial apparatus and plant, approved by the Commission.

(h) To exercise all due skill and diligence so as to secure satisfactory operation of the plant and apparatus of the Commission and the Corporation.

3. This agreement shall remain in force until the date of expiration of the lease to the water rights on the Severn River of the Big Chute development, that is to say, until the tenth (10th) day of September in the year nineteen hundred and twenty-nine; providing the said lease is renewed by the Commission, then this agreement shall remain in force for thirty (30) years from the date of the first delivery of power thereunder.

4. The power shall be approximately 2,200 volts, 60 cycle, 3 phase, alternating commercially continuous twenty-four hour power every day in the year except as provided herewith, and shall be delivered by the Commission to the Corporation at the 2,200 volt terminals of the step-down transformers in the substation in the Corporation limits.

(a) That the meters with their series or potential transformers may be connected to the high tension side or low tension side of the transformers, or some connected to one side and some connected to the other, as the Commission may elect. That whenever connected at other than the point of measurement, their readings shall be subject to a correction and shall be corrected to give a reading such as would be obtained by instruments as if connected at the point of measurement. That such corrections shall be based upon tests made upon the step-down transformers and transmission lines by the Commission, or any other tests upon them acceptable to the Commission as to the efficiency, regulation, or any other constants of the transformers and transmission lines necessary for said correction, but that such tests, when made by the Commission, are to be made in the presence of the representatives or representative of the customer if it so desires.

(b) The maintenance by the Commission of approximately the agreed voltage at approximately the agreed frequency at the substation in the limits of the Corporation shall constitute the supply of all power involved herein and the fulfilment of all operating obligations hereunder; and when voltage and frequency are so maintained, the amount of the power, its fluctuations, load factor, power factor, distribution as to phases, and all other electric characteristics and qualities are under the sole control of the Corporation, their agents, customers, apparatus, appliances and circuits.

5. The engineers of the Commission, or one or more of them, or any other person or persons appointed for this purpose by the Commission, shall have the right from time to time during the continuance of this agreement to inspect the apparatus, plant and property of the Corporation and take records at all reasonable hours.

6. In case the Commission should at any time or times be prevented from supplying said power, or any part thereof, or in case the Corporation shall at any time be prevented from taking said power, or any part thereof, by strike, lock-out, fire, invasion, ex-

plosion, act of God, or the King's enemies, or any other cause reasonably beyond their control, then the Commission shall not be bound to deliver such power during such times, and the Corporation shall not be bound to pay the price of said power during such time, but as soon as the cause of such interruption is removed, the Commission shall without any delay supply said power as aforesaid, and the Corporation shall take the same and shall be prompt and diligent in removing and overcoming such cause or causes of interruption.

7. If at any time any other municipal corporation, or pursuant to said Act, any railway or distributing company, or any other corporation or person, applies to the Commission for a supply of power, the Commission shall notify the applicant and the Corporation in writing, of a time and place, and hear all representations that may be made as to the terms and conditions for such supply.

Without discrimination in favour of the applicants as to the price to be paid, for equal quantity of power, the Commission may supply power upon such terms and conditions as may, having regard to the risk and expense incurred, and paid, and to be paid by the Corporation, appear equitable to the Commission, and are approved by the Lieutenant-Governor in Council.

No such application shall be granted if the said line is not adequate for such supply, or if the supply of the Corporation will be thereby injuriously affected, and no power shall be supplied within the limits of a municipal corporation taking power from the Commission at the time of such application without the written consent of such Corporation.

In determining the quantity of power supplied to a municipal corporation, the quantity supplied by the Commission within the limits of the Corporation to any applicant other than a municipal corporation, shall be computed as part of the quantity supplied to such corporation, but such corporation shall not be liable to pay for the power so supplied, or otherwise in respect thereof. In order to prevent discrimination by the municipal corporation, no power shall be supplied by the municipal corporation to any railway or distributing company or person outside the corporation without the written consent of the Commission, but the Corporation may sell power to any person or persons or manufacturing companies inside the limits of the corporation, but such power shall not be sold for less than the cost and without discrimination as regards price and quantity.

8. If differences arise between corporations to whom the Commission is supplying power, the Commission may upon application fix a time and place to hear all representations that may be made by the parties, and the Commission shall, in a summary manner, when possible, adjust such differences, and such adjustment shall be final. The Commission shall have all the power that may be conferred upon a commission appointed under *The Act respecting Enquiries Concerning Public Matters*.

9. If differences arise between the Corporation and the Commission, the Lieutenant-Governor in Council may, upon application, fix a time and place to hear all representations that may be made by the parties, and the Lieutenant-Governor in Council shall, in a summary manner, when possible, adjust such differences, and such adjustment shall be final. The Lieutenant-Governor in Council shall have all the powers that may be conferred upon a commission appointed under *The Act respecting Enquiries Concerning Public Matters*.

10. This agreement shall extend to, be binding upon, and enure to the benefit of the successors and assigns of the parties hereto.

In witness whereof the Commission and the Corporation have respectively affixed their corporate seals and the hands of their proper officers.

HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO.

A. BECK, *Chairman.*
W. W. POPE, *Secretary.*

THE MUNICIPAL CORPORATION OF THE VILLAGE OF
VICTORIA HARBOUR.

JEROME DUCKWORTH, *Reeve.*
E. B. BROWNE, *Clerk.*

(Seal.)

SCHEDULE "M."

This Indenture made this eleventh day of October, one thousand nine hundred and fifteen,

Between

The Hydro-Electric Power Commission of Ontario, hereinafter called the "Commission," party of the first part;

and

The Municipal Corporation of the Police Village of Holstein, hereinafter called the "Corporation," party of the second part.

Whereas the Corporation under the provisions of the *Power Commission Act* and amendments thereto, Revised Statutes of Ontario, Chapter 39 has applied to the Commission for a supply of power, and has passed a by-law No. 304, passed the 10th day of August, 1915, to authorize the execution of an agreement therefor.

Now therefore this indenture witnesseth that in consideration of the premises and of the agreement of the Corporation herein set forth, subject to the provisions of the said Act and amendments thereto, the parties hereto agree each with the other as follows:

1. The Commission agrees:

(a) To reserve and deliver at the earliest possible date fifty (50) horse power, or more, of electrical power to the Corporation.

(b) At the expiration of reasonable notice, in writing, which may be given by the Corporation from time to time during the continuance of this agreement, to reserve and deliver to the Corporation additional electric power when called for;

(c) To use at all times first-class, modern, standard commercial apparatus and plant, and to exercise all due skill and diligence so as to secure satisfactory operation of the plant and apparatus of the Corporation.

(d) To deliver commercially continuous twenty-four (24) hour power every day in the year to the Corporation at the distribution bus bars in the Commission's sub-station within the Corporation's limits.

2. The Corporation agrees:

(a) To use all diligence by every lawful means in its power to prepare for the receipt and use of the power dealt with by this agree-

ment so as to be able to receive power when the Commission is ready to deliver same.

(b) To pay annually in twelve (12) equal monthly instalments, interest upon its proportionate part, (based on the quantity of electrical energy or power taken) of all moneys expended by the Commission on capital account for the acquiring of properties and rights, the acquiring and construction of generating plants, transformer stations, transmission lines, distributing stations, and other works necessary for the delivery of said electrical energy or power to the Corporation under the terms of this contract.

To pay an annual sum for its proportionate part of all moneys expended by the Commission on capital account for the acquiring of the said properties and rights, and the cost of the said construction, so as to form in thirty (30) years a sinking fund for the retirement of securities issued by the Province of Ontario.

Also to bear its proportionate part of the line loss, and pay its proportionate part of the cost to operate, maintain, repair, renew, and insure the said generating plants, transformer stations, transmission lines, distributing stations, and other necessary works.

All payments under this clause shall be subject to adjustment under paragraph 6.

(c) The amounts payable in accordance with clause 2 (b) shall be paid in gold coin of the present standard of weight and fineness, at the offices of the Commission at Toronto. Bills shall be rendered by the Commission on or before the 5th day, and paid by the Corporation on or before the 15th day of each month. If any bills remain unpaid for fifteen days, the Commission may, in addition to all other remedies, and without notice, discontinue the supply of power to the Corporation until said bill is paid. No such discontinuance shall relieve the Corporation from the performance of the covenants, provisoes and conditions herein contained. All payments in arrears shall bear interest at the legal rate.

(d) To take electrical power exclusively from the Commission during the continuance of this agreement.

(e) To pay for three-fourths of the power ordered from time to time by the Corporation, and held in reserve for it, as herein provided; whether it takes the same or not. When the highest average amount of power taken for any twenty (20) consecutive minutes during any month exceeds during the twenty consecutive minutes three-fourths of the amount ordered by the Corporation and held in reserve, then the Corporation shall pay for this greater amount during the entire month.

If the Corporation during any month takes more than the amount of power ordered and held in reserve for it, as determined by an integrated peak, or the highest average, for a period of twenty consecutive minutes, the taking of such excess shall thereafter constitute an obligation on the part of the Corporation to pay for, and on the part of the Commission to hold in reserve, such increased quantity of power in accordance with the terms and conditions of this contract.

When the power factor of the highest average amount of power taken for said twenty consecutive minutes falls below 90 per cent. the Corporation shall pay for 90 per cent of said power divided by the power factor.

(f) To use at all time first-class, modern standard commercial apparatus and plant, to be approved by the Commission, and to exercise all due skill and diligence so as to secure satisfactory operation of the plant and apparatus of the Commission and of the Corporation.

(g) To co-operate by all means in its power at all times with the Commission to increase the quantity of power required from the Commission, and in all other respects to carry out the objects of this agreement, and of the said Act.

3. This agreement shall remain in force for thirty (30) years from the date of the first delivery of power under this contract.

4. The power shall be alternating, three-phase, having a periodicity of approximately 60 cycles per second, and shall be delivered as aforesaid at a voltage suitable for local distribution.

5. The engineers of the Commission, or one or more of them, or any other person or persons appointed for this purpose by the Commission, shall have the right from time to time during the continuance of this agreement to inspect the apparatus, plant, and property of the Corporation, and take records at all reasonable hours.

6. The Commission shall, at least annually, adjust and apportion the amount or amounts payable by the Municipal Corporation, or corporations, for such power and such interest, sinking fund, cost of lost power, and cost of generating, operating, maintaining, repairing, renewing, and insuring said works.

7. It is hereby declared that the Commission is to be a trustee of all property held by the Commission under this agreement for the Corporations and other municipal corporations supplied by the Commission, but the Commission shall be entitled to a lien upon said property for all moneys expended by the Commission under this agreement and not repaid. At the expiration of this agreement the Commission shall determine and adjust the rights of the Corporations and other municipal corporations, supplied by the Commission, having regard to the amounts paid by them, respectively, under the terms of this agreement, and such other considerations as may appear equitable to the Commission, and are approved by the Lieutenant-Governor in Council.

8. If at any time any other municipal corporation, or pursuant to said Act, any railway or distributing company, or any other corporation, or person, applies to the Commission for a supply of power, the Commission shall notify the applicant and the Corporation, in writing, of a time and place to hear all representations that may be made as to the terms and conditions for such supply.

Without discrimination in favour of the applicants as to the price to be paid for equal quantities of power, the Commission may supply power upon such terms and conditions as may, having regard to the risk and expense incurred and paid, and to be paid by the Corporation, appear equitable to the Commission, and are approved by the Lieutenant-Governor in Council.

No such application shall be granted if the said works, or any part thereof, are not adequate for such supply, or if the supply of the Corporation will be thereby injuriously affected, and no power shall be supplied within the limits of a municipal corporation taking power from the Commission at the time of such application without the written consent of such Corporation.

In determining the quantity of power supplied to a municipal corporation, the quantity supplied by the Commission within the limits of the Corporation to any applicant, other than a municipal corporation shall be computed as part of the quantity supplied to such corporation, but such corporation shall not be liable for payment for any portion of the power supplied. No power shall be supplied by the municipal corporation to any railway or distributing company without the written consent of the Commission, but the Corporation may sell power to any person or persons, or

manufacturing companies within the limits of the Corporation, but such power shall not be sold for less than cost, neither shall there be any discrimination as regards price and quantity.

9. If differences arise between corporations to which the Commission is supplying power, the Commission may, upon application, fix a time and place and hear all representations that may be made by the parties, and the Commission shall, in a summary manner, when possible, adjust such differences, and such adjustment shall be final. The Commission shall have all the powers that may be conferred upon a commissioner appointed under the *Act respecting Enquiries concerning Public Matters*.

10. This agreement shall extend to, be binding upon, and enure to the benefit of the successors and assigns of the parties hereto.

In witness whereof the Commission and the Corporation have, respectively, affixed their corporate seals, and the hands of their proper officers.

HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO.

A. BECK, *Chairman*.
W. W. POPE, *Secretary*.

(SEAL.)

MUNICIPAL CORPORATION OF THE POLICE VILLAGE OF HOLSTEIN.

RICHARD IRWIN, *Chairman*.
R. M. TRIEBE, *Inspecting Trustee*.
L. B. NICHOLSON, *Secretary*.

(SEAL.)

SCHEDULE "N."

This Indenture made this first day of November, A.D. one thousand nine hundred and fourteen.

Between

The Hydro-Electric Power Commission of Ontario, acting herein on its own behalf and with the approval of the Lieutenant-Governor in Council, (hereinafter called the Commission), party of the first part,

and

The Municipal Corporation of the Police Village of Williamsburg (hereinafter called the Corporation), party of the second part.

Whereas pursuant to *An Act to Provide for Transmission of Electrical Power to Municipalities*, and the amendments thereto, the Corporation applied to the Commission to transmit and supply such power, and the Commission has entered into contracts with a company or companies for the supply of such power at the prices set forth in the schedule, hereto attached, and the Commission has furnished the Corporation with estimates, as shown in the schedule of the total cost of such power, and the electors of the Corporation assented to by-laws authorizing the Corporation to enter into a contract with the Commission for such power, and the Commission have estimated the line loss and the cost to construct, operate, maintain, repair, renew and insure a line to transmit such power to the Corporation, and have apportioned the part of such cost to be paid by each Corporation as shown in said schedule.

Now therefore this indenture witnesseth that in consideration of the premises and of the agreements of the Corporation herein set forth, subject to the provisions of said Act and the amendments thereto, and of the said contracts subject to any variations thereof by the Corporation, the Commission agrees with the Corporation respectively:

1. (a) To construct a line to transmit the quantities of electric power, shown in column 2 of the said schedule, to the Corporation shown in column 1 respectively.

(b) On the 15th day of May, 1915, or on any earlier day on which the Commission shall be prepared to supply said power in quantities set forth in column 2 of said schedule, to the Corporation within the limits thereof, ready for distribution at approximately the number of volts set forth in column 4 of the said schedule, and approximately 60 cycles per second frequency.

(c) At the expiration of three months' written notice, which may be given by the Corporation from time to time during the continuance of this agreement, to supply from time to time to the Corporation in blocks of not less than 10 horse power each, additional power until the total amount so supplied shall amount to 15,000 horse power, or such further amount as the Commission may be able and willing to supply.

(d) To use at all times first-class, modern, standard commercial apparatus and plant and to exercise all due skill and diligence so as to secure the most perfect operation of the plant and apparatus of the Corporation.

In consideration of the premises and of the agreements herein set forth each of the Corporations for itself, and not one for the other, agrees with the Commission:

2. (a) Subject to the provisions of paragraph 2 (g) hereof, to pay to the Commission for the quantities of power shown in column 2 of said schedule to be supplied as aforesaid from the date when the Commission notifies the Corporation that it is ready to supply such power, and for all additional power held in reserve upon any of the above mentioned notices from the respective dates thereof until the termination of this agreement, the price set forth in column 3 of said schedule in twelve monthly payments, in gold coin of the present standard of weight and fineness, and bills shall be rendered by the Commission on or before the fourth and paid by the Corporation on or before the fifteenth of each month. If any bill remains unpaid for fifteen days, the Commission may, in addition to all other remedies and without notice, discontinue the supply of such power to the Corporation in default until said bill is paid. No such discontinuance shall relieve the Corporation in default from the performance of the covenants, provisions, and conditions herein contained. All payments in arrears shall bear interest at the legal rate.

(b) To take electric power exclusively from the Commission during the continuance of this agreement; provided, if the Commission is unable to supply said power as quickly as required, the Corporation may obtain the supply otherwise until the Commission has provided such supply, thereupon the Corporation shall immediately take from the Commission; and the Corporation may generate, store or accumulate electric power for emergencies, or to keep down the peak load of the power taken from the Commission; and nothing herein contained shall affect existing contracts between the Corporation and other parties for a supply of electric power, but the Corporation shall determine said contracts at the earliest possible date.

(c) To pay, annually, interest at four per cent. per annum upon its proportionate part of the moneys expended by the Commission on capital account for the construction of the said line, transformer stations and other necessary works, shown, respectively, in column 6 of said schedule, subject to adjustment under paragraph 9.

(d) To pay an annual sum for its proportionate part of the cost of the construction of said line, stations, and works, shown, respectively, in column 6 of said schedule, subject to adjustment under paragraph 9, so as to form in thirty years a sinking fund for the retirement of the securities to be issued by the Province of Ontario.

(e) To bear its proportionate part of the line loss and pay its proportionate part of the cost to operate, maintain, repair, renew and insure the said lines, stations and work, shown respectively, in column 7 of said schedule subject to adjustment under paragraph 9.

(f) To keep, observe and perform the covenants, provisos and conditions set forth in said contracts, intended by the Commission and the company to be kept and observed and performed.

(g) To pay as a minimum for three-fourths of the power to be supplied at said date or of the power held in reserve upon any of the said notices, whether the said power is taken or not; and when the greatest amount of power taken for twenty consecutive minutes in any month shall exceed during such twenty minutes three-fourths of the amount to be supplied and held in reserve to pay for this greater amount during that entire month; the amount payable for a month being one-twelfth part of the annual rate applicable to the horse power in question. When the power factor of the greatest amount of power taken for said twenty minutes falls below 90 per cent., the Corporation shall pay for 90 per cent. of said power divided by the power factor.

(h) To take no more power than the amount to be supplied and held in reserve at said date and upon said notices, as per paragraph 1 (c).

(i) To use at all times first-class, modern, standard, commercial apparatus and plant to be approved by the Commission.

(j) To exercise all due skill and diligence so as to secure the most perfect operation of the plant and apparatus of the Commission and the company.

3. If, as herein provided, the said contracts are continued until nineteen hundred and forty-two (1942) this agreement shall remain in force until that date.

4. (a) Said power shall be three-phase, alternating, commercial continuous twenty-four hour power every day of the year, except as provided in paragraph 6 hereof, and shall be measured by curve-drawing meters, subject to test as to accuracy by either party hereto.

(b) The maintenance by the Commission of approximately the agreed voltage at approximately the agreed frequency at the point of delivery to the Corporation shall constitute the supply and the holding in reserve of all power involved herein, and the fulfilment of all operating obligations hereunder; the amount of the power, its fluctuations, load factor, power factor, distribution as to phases, and all other electric characteristics and qualities being under the sole control of the Corporation, its agents, customers, apparatus, appliances and circuits.

5. The engineers of the Commission, or one or more of them, or any other person or persons appointed for this purpose by the Commission, shall have the right from time to time during the con-

tinuance of this agreement to inspect the apparatus, plant and property of the Corporation, and take records at all reasonable times on giving to the Corporation six hours' notice of the intention to make such inspection. The Corporation shall have a like right on giving a like notice to inspect the apparatus, plant and property of the Commission.

6. In case the Commission or the Company shall at any time or times be prevented from supplying said power, or any part thereof, or in case the Corporation shall at any time be prevented from taking said power, or any part thereof, by strike, lock-out, riot, fire, invasions, explosion, act of God, or the King's enemies, or any other cause reasonably beyond their control, then the Commission shall not be bound to deliver such power during such time and the Corporation shall not be bound to pay the price of said power at the point of delivery by the Company during such time, but the Corporation shall continue to make all other payments, but as soon as the cause of such interruption is removed the Commission shall without any delay supply said power as aforesaid, and the Corporation shall take the same and each of the parties hereto shall be prompt and diligent in removing and overcoming such cause or causes of interruption.

7. If, and so often as, any interruption shall occur in the service of the Company due to any cause or causes other than those provided for by the next preceding paragraph hereof, the Commission shall pay to the Corporation as liquidated and ascertained damages, and not by way of penalty, their respective proportionate shares of whatever sum is payable to the Commission by reason of such interruption; and when the amount thereof has been settled, such sum may be deducted from any moneys payable by the Corporation to the Commission, but such right of deduction shall not in any case delay the said monthly payments, nor shall the Commission be subject to any other liability for any non-delivery.

8. In case any municipal corporation, or any person, firm or corporation which shall contract with the Commission or with any municipal corporation for a supply of power furnished to the Commission by the Company shall suffer damages by the act or neglect of the Company, and such municipal corporation, person, firm or corporation would, if the Company had made the said contracts directly with them, have had a right to recover such damages or commence any proceedings or any other remedy, the Commission shall be entitled to commence any such proceedings or bring such action for or on behalf of such municipal corporation, person, firm or corporation, and notwithstanding any Statute, decision or rule of law to the contrary, the Commission shall be entitled to all the rights and remedies of such municipal corporation, person, firm or corporation, including the right to recover such damages, but no action shall be brought by the Commission until such municipal corporation, person, firm or corporation shall have agreed with the Commission to pay any costs that may be adjudged to be paid if such proceedings or action is unsuccessful. The rights and remedies of any such municipal corporation, person, firm or corporation shall not be hereby prejudiced.

9. The Commission shall at least annually adjust and apportion the amounts payable by municipal corporations for such power and such interest, sinking fund, line loss, and cost of operating, maintaining, repairing, renewing and insuring the line and works.

10.—(a) If at any time, any other municipal corporation, or pursuant to said Act, any railway or distributing company or any other corporation or person, applies to the Commission for a supply of power, the Commission shall notify the applicant and the corporation, party hereto, in writing, of a time and place and hear all representations that may be made as to the terms and conditions for such supply.

(b) Without discrimination in favour of the applicants as to the price to be paid, for equal quantities of power, the Commission may supply power upon such terms and conditions as may, having regard to the risk and expense incurred, and paid, and to be paid by the Corporation, party hereto, appear equitable to the Commission, and are approved by the Lieutenant-Governor in Council.

(c) No such application shall be granted if the said line is not adequate for such supply, or if the supply of the Corporation, party hereto, will be thereby injuriously affected, and no power shall be supplied within the limits of a municipal corporation taking power from the Commission at the time of such application, without the written consent of such corporation.

(d) In determining the quantity of power supplied to a municipal corporation, the quantity supplied by the Commission within the limits of the Corporation to any applicant, other than a municipal corporation, shall be computed as part of the quantity supplied to such corporation, but such corporation shall not be liable to pay for the power so supplied, by any municipal corporation, to any railway or distributing company, without the written consent of the Commission.

11. It is hereby declared that the Commission is to be a trustee of all property held by the Commission under this agreement, for the Corporation and other municipal corporations supplied by the Commission, but the Commission shall be entitled to a lien upon said property for all moneys expended by the Commission under this agreement and not repaid. At the expiration of this agreement, the Commission shall determine and adjust the rights of the Corporation and other municipal corporations, supplied by the Commission, having regard to the amounts paid by them, respectively, under the terms of this agreement, and such other considerations as may appear equitable to the Commission and are approved by the Lieutenant-Governor in Council.

12. Each of the Corporations agree with the other:

(a) To take electric power exclusively from the Commission during the continuance of this agreement, subject to the provisos above set forth in paragraph 2 (b).

(b) To co-operate, by all means in its power, at all times with the Commission, to increase the quantity of power required from the Commission, and in all other respects to carry out the objects of this agreement and of the said Act.

13. If differences arise between the Corporations the Commission may upon application fix a time and place to hear all representations that may be made by the parties and the Commission shall, in a summary manner, when possible, adjust such differences and such adjustments shall be final. The Commission shall have all the powers that may be conferred upon a commission appointed under the *Act respecting Enquiries concerning Public Matters*.

14. This agreement shall extend to, be binding upon and enure to the benefit of the successors and assigns of the parties hereto.

In witness whereof the Commission and the Corporation have respectively affixed their corporate seals and the hands of their proper officers.

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO.

A. BECK, *Chairman*.

W. W. POPE, *Secretary*.

POLICE VILLAGE OF WILLIAMSBURG.

ORLIN BECKER, *Secretary*.

P. E. BECKSTEAD, *Chairman*.

E. C. MERKLEY, *Inspecting Trustee*.

SCHEDULE.

Column 1	2	3	4	5	6	7
Name of Municipal Corporation	Quantity of Power applied for in H.P.	Cost of Power at point of delivery to Com- mission.	No. of Volts.	Estimate maximum cost of power ready for distribution in Municipality.	Estimate proportionate part of cost to con- struct trans. line, transformer station and works for nominally H.P., with total capacity of	Estimate proportionate part of line loss and of part cost of to operate, maintain, repair, renew and insure transmission line, trans- former station works for nominally H.P. with a capacity of
Brockville	1,000 H.P.	Then for all power taken up to 10,000 H.P. or over, \$11.00 per H.P. \$14.00 for not less than 2,000 H.P. Then for all power taken up to 4,000 H.P., \$13.40 per H.P. Then for all power taken up to 6,000 H.P., \$12.50 per H.P. Then for all power taken up to 8,000 H.P., \$12.00 per H.P. Then for all power taken up to 10,000 H.P., \$11.50 per H.P.	13,200	\$24 04	\$76,950 00	\$7,077 00
Prescott	300 H.P.		13,200	24 54	30,594 00	1,838 00
Chesterville ..	50 H.P.		4,400	35 00	10,224 00	487 00
Winchester ...	100 H.P.		4,400	24 00	7,280 00	638 00
Williamsburg .	20 H.P.		4,000	34 66 (with- out Sink- ing Fund)	3,522 00	272 00

No. 169.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act to amend The Power Commission
Act and to confirm Certain By-
laws and Contracts.

1st Reading, 13th April, 1916

Mr. LUCAS.

TORONTO:
PRINTED BY A. T. WILKES,
Printer to the King's Most Excellent Majesty.

No. 170.

1916.

BILL

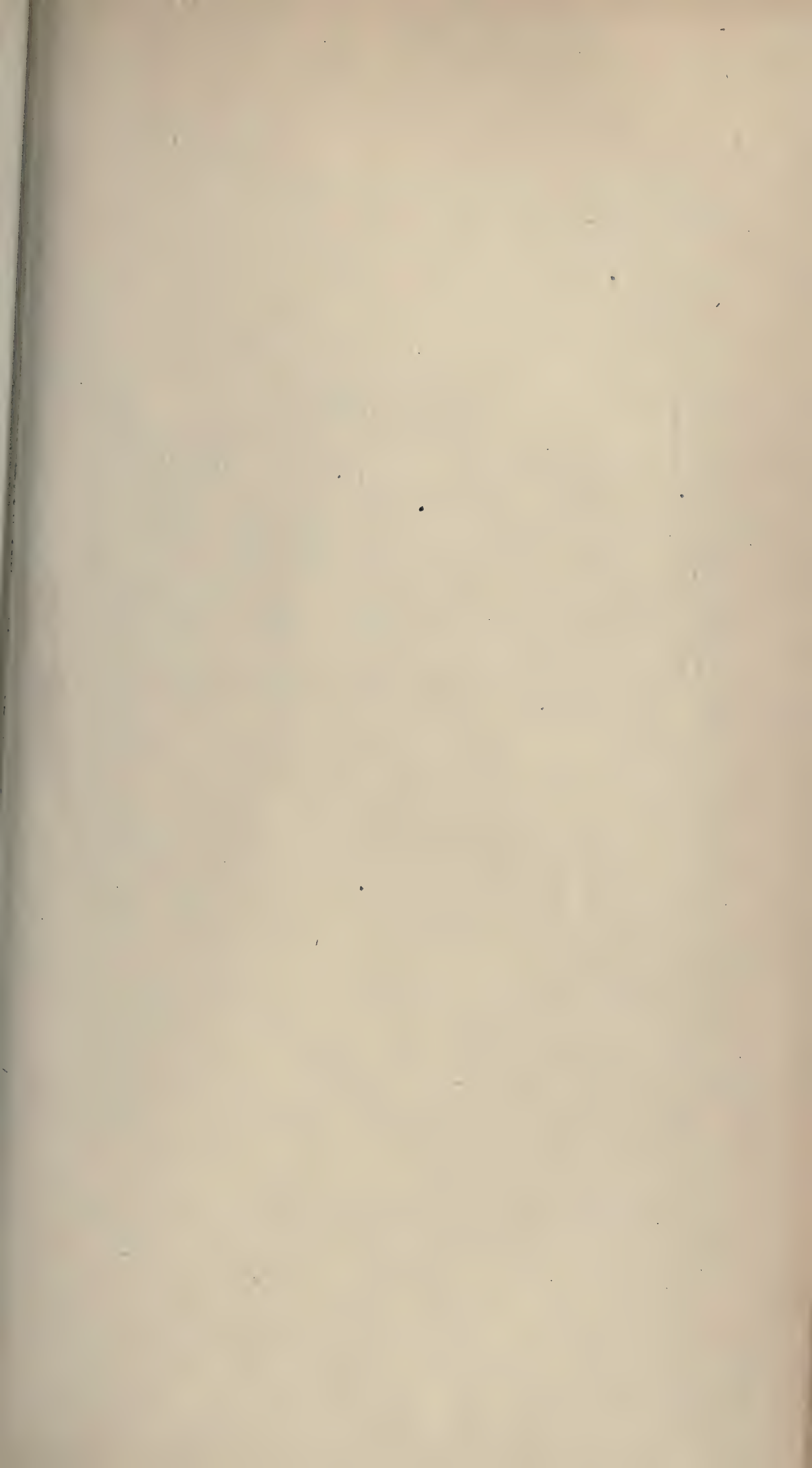
An Act to amend The Mining Act of Ontario.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:—

1. *The Mining Act* is amended by inserting the following
as section 183a:—

Rev. Stat.
c. 32.

183a. Notwithstanding any agreement to the contrary, every person who performs labor for wages in connection with any mine, mining claim, mining lands, or works connected therewith, shall be paid such wages at intervals of not more than two weeks.



No. 170.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act to amend The Mining Act of
Ontario.

1st Reading, April 13th, 1916

Mr. GAMEY.

TORONTO:
PRINTED BY A. T. WILKES,
Printer to the King's Most Excellent Majesty.

BILL

An Act for the creation of a Provincial Committee to secure the organization of the resources of Ontario for efficient co-operation with the Federal authorities in the prosecution of the war, and the maintenance of the Agricultural and Industrial production of the Province.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Organization of Resources Act*. Short title.

2.

Formation of Provincial Committee.

shall be a Provincial Committee to assist in securing the organization of the resources of Ontario in the prosecution of the war and the maintenance of agricultural and industrial production in Ontario to that end, and the committee shall be known as "The Organization of Resources Committee," hereinafter called "The Committee."

3. The Committee shall co-operate, so far as possible, with existing organizations and associations, civil and military, in furthering the objects of the Committee, and particularly in maintaining and stimulating agricultural and necessary industrial production, securing a sufficient supply of labor for the agricultural interests and industrial operations, assisting in the work of recruiting men for the Canadian Expeditionary Forces with the least possible disturbance to agriculture or industry, and promoting thrift and economy among the people. Objects of Committee.

4. The Lieutenant-Governor in Council may add such persons from time to time as members of the Committee as he may deem advisable, or may appoint a member of the Additional members filling vacancies.

Committee in the place of any member dying or retiring or becoming incapable of acting.

Appoint-
ment of
officers,
etc., of
Committee.

5. The Lieutenant-Governor in Council may appoint such officers, clerks, servants and agents as may be deemed necessary for the carrying out of the work of the Committee, and may fix their salaries, wages, fees or other remuneration.

Expenses
of members
of Com-
mittee.

6. The members of the Committee shall serve without remuneration, but may be paid their travelling expenses and other necessary disbursements, and the receiving of such expenses and disbursements by any member of the Committee shall not render him ineligible as a member of the Assembly or disqualify or render him liable to any penalty for sitting and voting therein, anything in *The Legislative Assembly Act* to the contrary notwithstanding.

Rev. Stat.
c. 11.

Carrying
out recom-
mendations
of Com-
mittee.

7. The Committee may make such representations and recommendations to the Lieutenant-Governor in Council as it may deem advisable for carrying out the objects of this Act, and the Lieutenant-Governor in Council may approve such recommendations and direct such action to be taken thereon by the Committee or otherwise as he may deem meet.

Conferring
other
powers and
duties on
Committee.

8. The Lieutenant-Governor in Council may confer such further powers and impose such further duties upon the Committee in connection with the better organization of our resources as may be deemed advisable.

No. 171.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act for the creation of a Provincial Committee to secure the organization of the resources of Ontario for efficient co-operation with the Federal authorities in the prosecution of the war, and the maintenance of the Agricultural and Industrial production of the Province.

1st Reading, 14th April, 1916.

Mr. HEARST.

TORONTO:
PRINTED BY A. T. WILGESS,
Printer to the King's Most Excellent Majesty.

BILL

An Act to amend The Private Detectives Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 4 of *The Private Detectives Act* is amended by adding thereto the following subsections:—

Rev. Stat.
c. 177, s. 4,
amended.

(2) Immediately upon the receipt of the License Form 2, the licensee named therein shall cause such license to be posted up and at all times displayed in a conspicuous place in the bureau, agency, subagency, office or branch for which it is issued.

License to
be posted
up in office.

(3) In case of removal of the bureau, agency, subagency, office or branch of a licensee to a place other than that described in the license, he shall, within twenty-four hours immediately following such removal, give written notice of such removal to the Treasurer of Ontario, which notice shall describe the premises to which removal is made.

Notice of
removal of
office, etc.

2. Section 5 of the said Act is amended by adding the following subsection:—

Rev. Stat.
c. 177, s. 5,
amended.

(2) No person who is or has been a licensee under this Act or the employee of a licensee shall divulge to anyone other than his employer or as his employer may direct, except as he may be required by law, any information acquired by him during such employment in respect of any of the work to which he shall have been assigned by such employer.

Information
acquired
to be
confidential.

Rev. Stat.
c. 177, s. 8,
amended.
Application
of Act to
legal
profession.
Rev. Stat.
c. 177,
Form 1,
repealed.

3. Section 8 of the said Act is amended by adding thereto the following words: "in the regular practice of their profession."

4. Form 1 of the said Act is repealed and the form in Schedule "A" to this Act is substituted therefor.

SCHEDULE "A."

FORM OF APPLICATION FOR LICENSE.

AN ACT RESPECTING PRIVATE DETECTIVES.

I, _____ of the _____
of _____ in the County of _____
apply for a license under the said Act to engage in the business of
the private detective and furnishing information as provided in the
said Act. I propose to carry on business at the City of _____
in premises known as No. _____ Street.

I am of the full age of _____ years. My present occupa-
tion is _____. My former
occupations were _____. The following
persons and no others are associated with me in the proposed de-
tective business:—

For reference I submit the names of three parties as follows:—

Dated the _____ day of _____, 19 ____.

To the Honourable
The Provincial Treasurer.

No. 172.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act to amend The Private Detectives
Act.

1st Reading, 17th April, 1916.

Mr. McGARRY.

TORONTO:

PRINTED BY A. T. WILKES,
Printer to the King's Most Excellent Majesty.

BILL

An Act for granting to His Majesty certain sums of money for the Public Service of the financial year ending on the 31st day of October, 1916, and for the Public Service of the financial year ending the 31st day of October, 1917.

MOST GRACIOUS SOVEREIGN:

WHEREAS it appears by messages from His Honour Sir John Strathearn Hendrie, C.V.O. a Colonel in the Militia of Canada, Lieutenant-Governor of the Province of Ontario, and the estimates accompanying the same, that the sums hereinafter mentioned in the schedules to this Act are required to defray certain expenses of the public service of this Province, not otherwise provided for, for the financial year ending on the 31st day of October, 1916, and for the financial year ending the 31st day of October, 1917, and for other purposes connected with the public service; May it therefore please Your Majesty that it may be enacted, and it is hereby enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:—

1. From and out of the Consolidated Revenue Fund of this Province, there may be paid and applied a sum not exceeding in the whole five million eight hundred and eighty-nine thousand one hundred and ten dollars and seventeen cents, towards defraying the several charges and expenses of the public service of this Province not otherwise provided for, from the first day of November, 1915, to the thirty-first day of October, 1916, as set forth in Schedule "A" to this Act.

\$5,889,110.17
granted for
year ending
31st October,
1916.

2. From and out of the Consolidated Revenue Fund of this Province, there may be paid and applied a sum not exceeding in the whole nine million six hundred and thirty-six thousand, seven hundred and forty-one dollars and forty-two cents, towards defraying the several charges and ex-

\$9,636,741.42
granted for
fiscal year
1916-17.

penses of the public service of this Province, not otherwise provided for, from the first day of November, 1916, to the thirty-first day of October, 1917, as set forth in Schedule "B" to this Act.

Accounts to
be laid
before
Assembly.

3. Accounts in detail of all moneys received on account of this Province during the said financial year 1915-1916 and of all expenditures under Schedule "A" of this Act, shall be laid before the Legislative Assembly at its first sitting after the completion of the said period; and accounts in detail of all moneys received on account of this Province during the financial year 1916-1917 and of all expenditures under Schedule "B" of this Act, shall be laid before the Legislative Assembly at the first sitting after the completion of the said financial year.

Appropriations for
1915-1916
unexpended.

4. Any part of the money under Schedule "A" appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the thirty-first day of October, 1916, shall not be expended thereafter, except in the payment of accounts and expenses incurred on or prior to the said day; and all balances remaining unexpended after the said date or at such subsequent date as may be fixed by the Lieutenant-Governor in Council under the provisions of *The Audit Act*.

Appropriations for
1916-1917
unexpended,
to lapse.

5. Any part of the money under Schedule "B" appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the thirty-first day of October, 1917, shall not be expended thereafter, except in the payment of accounts and expenses incurred on or prior to the said day; and all balances remaining unexpended after the said date or after a date fixed by the Lieutenant-Governor in Council as mentioned in section 4 shall lapse and be written off.

Accounting
for expenditure.

6. The due application of all moneys expended under this Act out of the Consolidated Revenue shall be accounted for to His Majesty.

SCHEDULE "A."

Sums granted to His Majesty by this Act for the financial year ending on the thirty-first day of October, one thousand nine hundred and sixteen, and the purposes for which they are granted:—

CIVIL GOVERNMENT.

To defray the expenses of the several Departments at Toronto:—

Attorney-General's Department	\$6,376 60	
Education Department	2,655 28	
Lands, Forests and Mines Department	13,182 05	
Public Works Department ...	11,661 46	
Highways Department	34,264 42	
Game and Fisheries Department	3,384 87	
Treasury Department	16,908 89	
Audit Office	5,700 00	
Provincial Secretary's Department	7,581 97	
Department of Agriculture ...	697 48	
Stationary Engineers	3 25	
Miscellaneous	4,116 18	
		\$106,532 45

LEGISLATION.

To defray expenses of Legislation	\$9,709 04
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ADMINISTRATION OF JUSTICE.

To defray expenses of Administration of Justice	78,854 62
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EDUCATION.

To defray expenses of:—

Public and Separate Schools Education	\$47,395 42
Normal and Model Schools Toronto	4,129 53
Normal and Model Schools, Ottawa	4,477 35
Normal School, London	2,914 73
Normal School, Hamilton	5,339 90
Normal School, Stratford	4,462 08

Normal School, North Bay . . .	2,181 00	
High Schools and Collegiate Institutes	1,719 97	
Departmental Library and Museum	280 50	
Public Libraries, Art Schools, Historical, Literary and Scientific Societies	950 00	
Technical Education	26,349 44	
Provincial University and Mining Schools	58,360 57	
The Ontario School for the Deaf, Belleville	9,102 97	
The Ontario School for the Blind, Brantford	2,165 05	
Miscellaneous	137,522 09	
		<hr/> \$307,350 60

PUBLIC INSTITUTIONS, MAINTENANCE.

To defray expenses of:—

Hospital for Insane, Brock- ville	\$2,150 00	
Hospital for Insane, Hamilton	4,555 88	
Hospital for Insane, Kingston	300 00	
Hospital for Insane, London . .	2,000 00	
Hospital for Insane, Mimico . .	100 00	
Hospital for Feeble-Minded, Orillia	7,850 00	
Hospital for the Insane, Pene- tanguishene	600 00	
Hospital for Insane, Toronto . .	2,412 50	
Hospital for Epileptics, Wood- stock	1,000 00	
Ontario Reformatory, Toronto	624 59	
Ontario Reformatory Industries	30,156 05	
Mercer Reformatory, Toronto	3,100 00	
Miscellaneous	5,293 04	
		<hr/> \$60,142 06

AGRICULTURE.

To defray expenses of a grant in aid of Agri-
culture \$37,262 02

COLONIZATION AND IMMIGRATION.

To defray expenses of Colonization and Immigration	5,151 45
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HOSPITALS AND CHARITIES.

To defray expenses of a grant in aid of Hospitals and Charities	\$61,256 51
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MAINTENANCE AND REPAIRS OF GOVERNMENT AND
DEPARTMENTAL BUILDINGS.

Government House	\$19,348 22	
Parliament and Departmental Buildings	11,383 67	
Osgoode Hall	219 88	
	<hr/>	\$30,951 77

PUBLIC BUILDINGS.

New Government House	\$72,918 83
Parliament Buildings	31,035 00
Osgoode Hall	1,699 64
Public Institutions:—	
Hospital for Insane, Brockville	21,841 29
Hospital for Insane, Cobourg	3,300 00
Hospital for Insane, Hamilton	17,481 90
Hospital for Insane, Kingston	25,039 72
Hospital for Insane, London.. ..	23,084 95
Hospital for Insane, Mimico.. ..	14,000 00
Hospital for Feeble-Minded Orillia	55,116 76
Hospital for Insane, Penetanguishene	14,561 00
Hospital for Insane, Toronto.. ..	160,181 84
Hospital for Epileptics, Woodstock	9,273 71
Ontario Reformatory	26,828 82
Mercer Reformatory, Toronto	2,750 00
Educational:—	
Normal and Model Schools, Toronto	2,179 30
Normal and Model Schools, Ottawa	51,874 43
Normal School, London	663 23
Normal School, Hamilton	805 50
Normal School, Peterborough	931 87
Normal School, Stratford.....	1,900 00

Training School, Sandwich...	368 33
The Ontario School for the Deaf, Belleville	4,973 57
The Ontario School for the Blind, Brantford	8,850 00
Ontario Agricultural College..	9,976 20
Ontario Veterinary College ..	135 08
Horticultural Experimental Station	629 09
Immigration Office, Toronto ..	350 00

Districts:—

Parry Sound	867 45
Algoma	50,262 45
Muskoka	1,150 00
Thunder Bay	42,521 68
Rainy River	927 53
Manitoulin	250 00
Sudbury	62,531 48
Kenora	564 99
Temiskaming	2,794 72
Miscellaneous	7,000 00

Total Public Buildings \$731,620 36

PUBLIC WORKS.

To defray expenses of Public Works..... \$538,536 07

COLONIZATION AND MINING ROADS.

To defray expenses of Construction and
Repairs \$224,125 99

GAME AND FISHERIES.

To defray expenses of Game and Fisheries.. \$16,132 35

ATTORNEY-GENERAL'S DEPARTMENT—MISCELLANEOUS

To defray expenses of Miscellaneous\$2,933,808 11

TREASURY DEPARTMENT—MISCELLANEOUS

To defray expenses of Treasury Department,
Miscellaneous \$43,503 41

PROVINCIAL SECRETARY'S DEPARTMENT—MISCELLANEOUS.

To defray expenses of Miscellaneous \$91,180 20

CHARGES ON CROWN LANDS.

To defray expenses on account of Crown Lands	\$78,723 92
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REFUNDS.

To defray expenses on account of Refunds..	\$2,270 96
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MISCELLANEOUS EXPENDITURE.

To defray Miscellaneous Expenditure	\$531,998 28
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Total Estimates for Expenditure of 1915-1916	\$5,889,110 17
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SCHEDULE "B."

Sums granted to His Majesty by this Act for the financial year ending on the thirty-first day of October, one thousand nine hundred and-seventeen, and the purposes for which they are granted:—

CIVIL GOVERNMENT.

To defray the expenses of the several Departments at Toronto:—

Lieutenant-Governor's Office ..	\$5,450 00	
Department of the Prime Minister and President of the Council	15,450 00	
Attorney-General's Department	77,650 00	
Education Department	41,925 00	
Lands, Forests and Mines Department	174,620 00	
Public Works Department....	137,555 00	
Department of Public Highways	37,425 00	
Game and Fisheries Department	25,400 00	
Treasury Department	69,014 00	
Audit Office	29,350 00	
Provincial Secretary's Department	202,850 00	
Department of Agriculture ...	70,525 00	
Miscellaneous	22,778 00	
		<u>\$909,992 00</u>

LEGISLATION.

To defray the expenses of Legislation \$320,900 00

ADMINISTRATION OF JUSTICE.

To defray expenses of Administration of
Justice \$841,711 66

EDUCATION.

To defray expenses of:—

Public and Separate School Education	\$1,336,100 00
Normal and Model Schools, Toronto	80,752 00
Normal and Model Schools, Ottawa	55,710 00
Normal School, London	31,536 25
Normal School, Hamilton	29,627 50
Normal School, Peterborough .	25,075 00
Normal School, Stratford	27,631 25
Normal School, North Bay ..	37,430 00
High Schools and Collegiate Institutes	185,100 00
Departmental Library and Museum	22,528 00
Public Libraries, Art Schools, Historical, Literary and Scientific Societies	78,325 00
Technical Education	138,600 00
Superannuated Public and High School Teachers	60,650 00
Provincial University and Min- ing Schools	42,600 00
The Ontario School for the Deaf, Belleville	76,884 00
The Ontario School for the Blind, Brantford	54,684 00
Miscellaneous	10,200 00
	<hr/> \$2,293,433 00

PUBLIC INSTITUTIONS MAINTENANCE.

To defray expenses of:—

Hospital for Insane, Brockville	\$161,852-00
“ Cobourg.:	31,760 00
“ Hamilton	222,854 00
“ Kingston.	138,860 00
“ London..	190,950 00
“ Mimico...	132,135 00

Hospital for Feeble-Minded, Orillia	121,522 00
Hospital for Insane, Pene- tanguishene	70,186 00
Hospital for Insane, Toronto	186,522 00
Reception Hospital for the Insane, Toronto	18,500 00
Hospital for Epileptics, Wood- stock	50,016 00
Ontario Reformatory	100,740 00
“ Industries	132,400 00
Mercer Reformatory, Toronto	40,640 00
Miscellaneous	32,220 00
	<hr/> \$1,633,157 00

AGRICULTURE.

To defray expenses of a grant in aid of Agri- culture	\$801,991 00
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COLONIZATION AND IMMIGRATION.

To defray expenses of Colonization and Immi- gration	\$96,300 00
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HOSPITALS AND CHARITIES.

To defray expenses of a grant in aid of Hos- pitals and Charities	\$527,254 76
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MAINTENANCE AND REPAIRS OF GOVERNMENT AND
DEPARTMENTAL BUILDINGS.

Government House	\$22,100 00
Parliament and Departmental Buildings	164,645 00
Osgoode Hall	20,467 00
	<hr/> \$207,212 00

PUBLIC BUILDINGS.

Parliament Buildings	\$300 00
Osgoode Hall	21,475 00
Public Institutions	186 200 00
Educational	10,600 00
Agriculture	3,000 00
Districts	93,900 00
Miscellaneous	110,000 00
	<hr/> \$425,475 00

PUBLIC WORKS.

To defray expenses of Public Works \$80,300 00

COLONIZATION AND MINING ROADS.

To defray expenses of Construction and Re-
pairs \$87,000 00

HIGHWAYS DEPARTMENT.

To defray expenses of Highways Department \$55,700 00

GAME AND FISHERIES.

To defray expenses of Game and Fisheries.. \$145,300 00

ATTORNEY-GENERAL'S DEPARTMENT, MISCELLANEOUS

To defray expenses of Attorney-General's De-
partment, Miscellaneous \$175,200 00

TREASURY DEPARTMENT, MISCELLANEOUS.

To defray expenses of Treasury Department,
Miscellaneous \$53,450 00

PROVINCIAL SECRETARY'S DEPARTMENT, MISCELLANEOUS.

To defray expenses of Provincial Secretary's
Department, Miscellaneous \$218,445 00

CHARGES ON CROWN LANDS.

To defray expenses on account of Crown Lands \$623,750 00

REFUNDS.

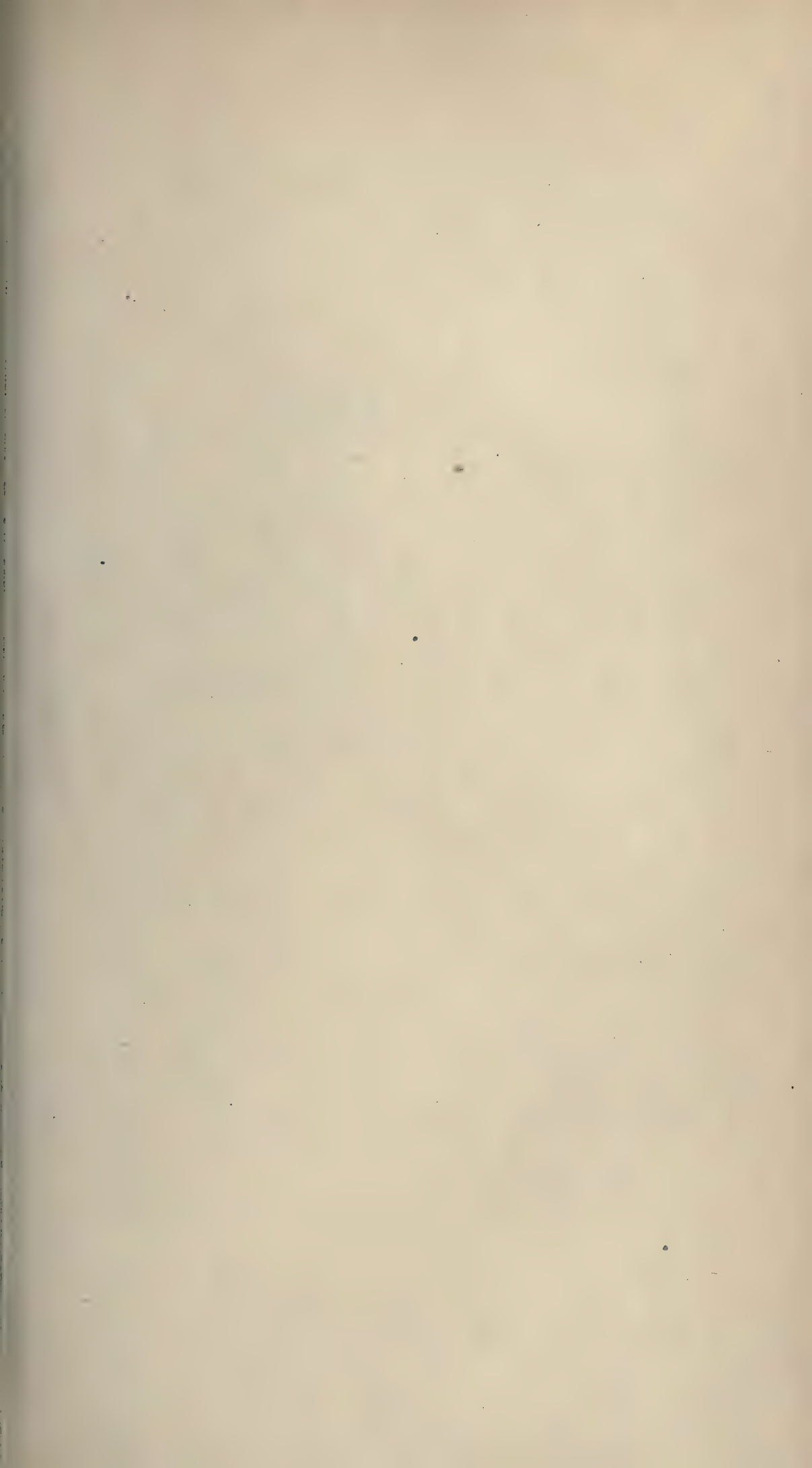
Education	\$1,500 00	
Lands, Forests and Mines ...	25,000 00	....
Succession Duty	36,000 00	
Miscellaneous	30,000 00	
	<hr/>	\$92,500 00

MISCELLANEOUS EXPENDITURE.

To defray Miscellaneous Expenditure \$47,600 00

Total Estimates for Expenditure of 1916-

1917 \$9,636,741 42



No. 173.

2nd Session, 14 Legislature,
5 George V, 1916.

BILL.

An Act for granting to His Majesty certain sums of money for the Public Service of the financial year ending on the 31st day of October, 1916, and for the Public Service of the financial year ending the 31st day of October, 1917.

1st Reading, 17th April, 1916.

Mr. McGARRY.

TORONTO:
PRINTED BY A. T. WHITES,
Printer to the King's Most Excellent Majesty.

BILL

An Act to amend The Toronto and Hamilton Highway Commission Act.

WHEREAS when *The Toronto and Hamilton Highway Commission Act* was enacted the total cost of the roadway was estimated to amount to \$600,000; and whereas it is now estimated that such total cost will amount to \$920,000 or thereabouts, and it is desirable to provide for such additional cost and to amend said Act accordingly and in other respects as hereinafter set forth:—

Preamble.

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Toronto and Hamilton Highway Commission Act, 1916*. Short title.

2. Section 9 of *The Toronto and Hamilton Highway Commission Act* is amended by adding the following subsection thereto:—

5 Geo. V.,
c. 18, s. 9,
amended.

(2). Provided, however, that the course of the said roadway may be, with the consent of the Lieutenant-Governor in Council, be varied at any point or points upon the Commission filing in the said Department a plan or plans showing such variation or variations, such plan or plans to be certified by an Ontario land surveyor and approved by the Ontario Railway and Municipal Board, after giving such notice and hearing such parties as the Board may think proper.

Varying
from route
on original
plan.

3. Section 11 of the said Act is repealed and the following substituted therefor:—

5 Geo. V.,
c. 18, s. 11,
repealed.

11.—(1) Where it is necessary in the opinion of the Commission to replace or reconstruct or enlarge or alter any bridge upon the roadway which it is at the time of the passing of this Act the duty of the municipal corporation of a county or town, or the municipal corporations of the counties or towns to construct or maintain, the municipal corporation or corporations whose duty it is at the passing of this Act to so construct or maintain the same shall pay to the Commission on demand the cost incurred by the Commission in replacing, reconstructing, enlarging or altering such bridge.

Plans and estimates to be approved by Ontario Railway and Municipal Board.

(2) The work of replacement, reconstruction, enlargement or alteration shall not be proceeded with until plans and estimates for the same have been prepared by the Commission and such plans approved of by the Ontario Railway and Municipal Board on such notice to the municipal corporation liable as the Board shall direct.

Cost of maintenance and repair.

(3) The cost of maintenance and repair of the bridge shall thereafter be borne by the Commission, and shall be provided in the same manner as the remainder of the cost of maintenance and repair of the roadway.

5 Geo. V., c. 18, s. 17, subs. 4, repealed.

4. Subsection 4 of section 17 of the said Act is repealed and the following substituted therefor:—

Application of fines and penalties imposed under Rev. Stat. c. 207.

(4) All fines and penalties recovered on account of any breach or breaches of *The Motor Vehicles Act* or regulations made thereunder or regulations made by the Commission or otherwise for any offence committed on the highway shall be paid over to the Commission, notwithstanding anything contained in any other Statute or Statutes or regulations made thereunder.

5 Geo. V., c. 18, s. 18, amended.

5. Section 18 of the said Act is amended by adding thereto the following subsections:—

Borrowing powers of Commission.

(9) The Commission may from time to time, with the consent of the Lieutenant-Governor in Council, borrow on the credit of the Commission all such sums in excess of \$600,000 as shall be required for the completion of the roadway, and for all sums so borrowed may issue from time to time debentures.

- (10) The debentures shall be payable in not more than five years from the first day of November, 1914, and shall bear date as of the date of the Order-in-Council approving of the issue thereof, and shall bear interest at a rate not exceeding six per centum per annum payable half yearly on the first days of May and November in each year during the currency of the debentures. Term of debentures and rate of interest.
- (11) Such debentures may be issued in the denomination of \$100, \$500, or \$1,000, or partly in one or partly in others, of such denominations as the Commission may determine and may be in the form set out in Schedule "A" to the said Act so far as such form is applicable, and the signature of the Chairman of the Commission to the coupons thereon may be engraved or lithographed. Denomination of debentures.
- (12) Subsections 3, 4, 5, 6, 7, and 8 shall apply to the debentures to be issued under subsection 9. Subs. 3-8 to apply to new issue of debentures.
- 6.**—(1) Sections 19 and 20 of the said Act are repealed and the following substituted therefor:— 5 Geo. V., c. 18, ss. 19, 20 repealed.
- (19) Within five years from the first day of November, 1914, the Municipal Corporation of the City of Toronto shall raise and pay over to the Commission the sum of \$250,000 on account of the share of the said Corporation towards the cost of the roadway. Contribution from City of Toronto.
- (2) Within the same period the Municipal Corporation of the City of Hamilton shall raise and pay over to the Commission the sum of \$50,000 on account of the share of the said Corporation towards the cost of the roadway. Contribution from the City of Hamilton.
- (3) Within the same period the Municipal Corporation of the County of York, the Municipal Corporation of the Village of Port Credit, the Municipal Corporation of the Town of Oakville, the Municipal Corporation of the Village of Burlington, the Municipal Corporation of the Township of Toronto, the Municipal Corporation of the Township of Trafalgar, the Municipal Corporation of the Township of Nelson, and subject to the provisions of the Township of East Flamboro, shall raise and pay over to the Commission the sum of \$216,000, each of the said Corporations to so Contribution from other municipalities.

raise and pay over such sum as shall bear the same proportion to the said sum of \$216,000 as the number of miles or fraction thereof of the roadway constructed within the limits of said corporation bears to the whole mileage of the roadway, such mileage in each case to be shown by the certificate of the surveyor appointed under section 14, and such sum of money or the debentures which may be issued for the purpose of raising the same shall be provided for by a general rate on all the property in the municipality liable for taxation.

County
roads in
Wentworth.

- (4) Should the Commission take over or use as part of the roadway a road included in the county road system of the County of Wentworth, and situate in the Township of East Flamboro, the Corporation of the county shall within the said period raise and pay over to the Commission the amount which the Township of East Flamboro, but for the provisions of this subsection, would under subsection 3 be obliged to raise and pay over in respect of the mileage of the county road so taken or used, such mileage to be shown by certificate of the surveyor appointed under section 14, and shall thereafter be liable to contribute to the maintenance of the roadway in the proportion which such contribution to the cost of the roadway bears to the total amount contributed by municipal corporations to the maintenance of the roadway, and the Corporation of the township shall, to that extent, be relieved from liability with respect to the construction and maintenance of the roadway.

Raising
balance of
cost by
local
assessment.

- (5) In addition to the amount provided for by subsection 3, the Municipal Corporation of the Township of Etobicoke, the Municipal Corporation of the Village of Mimico, and the Municipal Corporation of the Village of New Toronto, and each of the municipal corporations (other than the County of York) mentioned in the said subsection shall, within the said period of five years, pay to the Commission its share as determined by the Commission according to the mileage of the roadway in each municipality as shown by the certificate of the surveyor appointed under section 14 of the balance of the cost of construction up to, but not exceeding \$4,000 per mile of the roadway after deducting the contributions

from the municipal corporations above mentioned and from the Province of Ontario and the share of each municipality shall be raised by such municipality imposing for a period not exceeding twenty years-a special annual rate on the property fronting or abutting upon the roadway or benefited thereby under *The Local Improvement Act*, and the councils of the respective municipalities shall pass such by-laws and take all such other necessary proceedings for imposing, levying and collecting such special rate. Rev. Stat. c. 193.

- (a) In estimating the amount payable by the Municipal Corporation of the Township of Etobicoke under this subsection, the sum which would be chargeable against the land now occupied by the Mimico Hospital for the Insane, if such land were not the property of the Crown and if such land adjoins the roadway, shall be deducted, and the amount thereof shall be included in the rate to be levied by the respective municipalities under this subsection.
- (6) Each municipality may pass by-laws for issuing and may issue its debentures for an amount sufficient to pay its share for a term not exceeding twenty years and make the principal payable in annual instalments or at the end of a term and bearing interest at a rate not exceeding five per cent. per annum, payable half-yearly as may be found necessary, and the municipality shall be entitled to collect the rates so imposed and apply the same to the payment of such debentures. Issue of debentures by municipalities.
- (7) During the currency of the debentures issued by the Commission the respective municipal corporations and the Province of Ontario shall be liable for and shall pay over to the Commission upon demand the amount required to meet the interest charges upon debentures and borrowings of the Commission in the proportion which the amount of the contribution of each municipality or of the Province of Ontario to the cost of the roadway bears to the total amount to be contributed by municipal corporations and the Province of Ontario, the amount so to be paid by the Province of Ontario to be paid out of the Consolidated Revenue Fund. Payment of interest charges by municipal corporations.

Contribution of Province.

- (8) There shall be paid out of the Consolidated Revenue Fund to the Commission on account of the share of the Province of Ontario the balance of the cost of the roadway, exclusive of the main bridges and approaches thereto, but not to exceed a sum equal to forty per cent. (40%) of an expenditure of \$920,000, and subject to such terms and regulations as may be imposed by Order-in-Council.

5 Geo. V.,
c. 18, s. 22,
subs. 2,
3 and 4
repealed.

7. Subsections 2, 3 and 4 of section 22 of the said Act are repealed and the following substituted therefor:—

Reimbursement of Commission for payment of claim for damages.

- (2) All damages and costs recovered against the Commission under subsection 1 shall be paid to the Commission by the municipal corporations liable for the cost of the maintenance and repair of the roadway in the same proportions as they are under the provisions of said Act liable for such cost of maintenance and repair.

Contribution of City of Toronto to maintenance and repair.

- (3) The Municipal Corporation of the City of Toronto, during the period of twenty-five years from the first day of November, 1914, shall annually on demand pay to the Commission such proportion of the cost of maintenance and repair of the roadway as the total sum which the said Corporation is to contribute pursuant to this Act to the cost of the roadway bears to the total amount contributed by the municipal corporations (exclusive of that contributed under section 11) towards the cost of the roadway.

Contribution of City of Hamilton to maintenance and repair.

- (4) The Municipal Corporation of the City of Hamilton during the period of twenty-five years from the first day of November, 1914, shall annually on demand pay to the Commission such proportion of the cost of maintenance and repair of the roadway as the total sum which the said Corporation is to contribute pursuant to this Act to the cost of the roadway bears to the total amount contributed by the municipal corporations (exclusive of that contributed under section 11) towards the cost of the roadway.

5 Geo. V.,
c. 18, s. 24,
subs. 1,
repealed.

8. Subsection 1 of section 24 of the said Act is repealed and the following substituted therefor:—

- (1) The corporation of any municipality which under the provisions of this Act contributes to the cost of construction of the highway and any owner of land adjoining the highway may enter into an agreement with the Commission for the construction of a permanent pavement upon the roadway with different specifications or of greater width and with different specifications than the remainder of the roadway and the Commission may construct the pavement as may be so agreed upon.

Varying width or specifications under agreement with municipality or owner.

- (1a) The Commission shall keep an accurate account of the extra cost of upkeep of that part of the roadway so constructed according to such agreement, and such extra cost shall be borne and paid by the corporation or person entering into such agreement.

Upkeep of work done under agreement.

- (1b) Any such corporation or owner may enter into an agreement with the Commission for the removal of snow, ice, mud, debris and generally keeping clean that portion of the highway mentioned in such agreement, the Commission to keep an accurate account of the cost thereof and the amount of such cost shall be borne by the corporation or person entering into such agreement.

Agreement for removal of snow, ice, etc.

9. The said Act is further amended by adding thereto the following sections:—

5 Geo. V., c. 18, amended.

25. The Indenture made pursuant to *The Short Forms of Conveyances Act*, between one Cudmore and the Commission, copy of which is set forth in Schedule "A" to this Act, is ratified and confirmed, and the lands which purpose to be conveyed by said conveyance to the said Cudmore are hereby vested as of the date of said conveyance in the said Cudmore in fee simple.

Cudmore conveyance confirmed.

26. The indenture made pursuant to *The Short Forms of Conveyance Act*, between one Osler and the Commission, copy of which is set forth in Schedule "B" to this Act, is ratified and confirmed and the lands which purport to be conveyed by said conveyance to the said Osler are hereby vested as of the date of said conveyance in the said Osler in fee simple.

Osler conveyance confirmed.

Agreement
with Town
of Oakville
confirmed.

27. The agreement entered into between the Commission and the Corporation of the Town of Oakville, copy of which is set forth in Schedule "C" hereto, is hereby ratified and confirmed and declared to be valid and binding on the parties thereto.

Resolution
of Police
Village of
Bronte
confirmed

28. The resolution passed by the Municipal Council of the Township of Trafalgar, a copy of which is set forth in Schedule "D" hereto, is hereby ratified and confirmed and declared to be valid and binding upon the said Police Village of Bronte.

SCHEDULE "A."

this indenture, made the third day of November, 1915, in pursuance of *The Short Forms of Conveyances Act*.

Between:

William Henry Cudmore, of the Township of Trafalgar, in the County of Halton, Yeoman, hereinafter called the Grantor, of the First Part;

Rebecca Elizabeth Cudmore, his wife, of the Second Part;

and

The Toronto and Hamilton Highway Commission, hereinafter called the Grantees, of the Third Part.

Whereas the lands hereinafter mentioned are required by the said Grantees for the purposes authorized by the Act fifth, George V, chapter 18, respecting the said Grantees and the said Grantees have arranged with the said Grantor for a conveyance thereof to them; Now therefore this Indenture witnesseth that in consideration of the premises and of one thousand five hundred dollars of lawful money of Canada now paid by the said Grantees to the said Grantor (the receipt whereof is hereby by him acknowledged), he, the said Grantor, doth grant unto the said Grantees in fee simple all that certain parcel of land situate in the said Township of Trafalgar composed of part of lot number thirty-two (part of which is sometimes called lot number thirty-one) in the Fourth Concession south of Dundas Street, otherwise called the Broken Front Concession, consisting of a strip of land sixty-six feet in width, thirty-three feet measured at right angles on either side of the centre line of the said strip extending from West Street in the Village of Bronte to the division line between the lands of the said Grantor and one Crabb, and bounded by West Street and by the said division line, the said centre line of which is described as follows:—

Commencing at a point in the south-western limit of West Street one foot and ten inches measured south-westerly along the said limit of street from the centre line of Triller Street produced; thence on a five degree curve to the left four hundred and thirty-four feet and eight and one-half inches; thence south one degree and forty-six minutes west four hundred and eighty-six feet and nine and one-half inches more or less to the said division line between the lands of the said Grantor and Crabb. To hold unto and to the use of the said Grantees, their successors and assigns. And for the consideration aforesaid the Grantor for himself, his heirs, executors, administrators and assigns hereby releases and discharges the Grantees, their successors and assigns from all claims and demands which the Grantor now has or which he or his heirs, executors, administrators or assigns might or would hereafter have against the Grantees, their successors or assigns by reason of the expropriation or taking of the said lands by the Grantees or for or on account of severance or of the construction, maintenance and use of a highway upon the said lands with such works therefor and at such levels or grades as the Grantees, their successors and assigns may at any time think proper.

The said Grantor covenants with the said Grantees that he has the right to convey the said lands to the said Grantees notwithstanding any act of the said Grantor: And that the said Grantees shall have quiet possession of the said lands free from all incumbrances; And the said Grantor covenants with the said Grantees that he will execute such further assurances of the said lands as may be requisite; And the said Grantor covenants with the said Grantees that he has done no act to incumber the said lands.

And the said Grantor releases to the said Grantees all his claims upon the said lands; And the said wife of the said Grantor hereby bars her dower in the said lands.

In witness whereof the said parties have hereunto set their hands and seals and Corporate Seal.

Signed, Sealed and Delivered in the presence of	}	"W. H. CUDMORE." (Seal)
"W. S. DAVIS."		"REBECCA E. CUDMORE." (Seal)

County of Halton, To Wit:—I, William Sinclair Davis, of the Town of Oakville, in the County of Halton, Agent, make oath and say:—

1. That I was personally present and did see the within instrument and a duplicate thereof duly signed, sealed and executed by William Henry Cudmore and Rebecca Elizabeth Cudmore, two of the parties thereto.

2. That the said instrument and duplicate were so executed by the said parties at the Village of Bronte, in the County of Halton.

3. That I know the said William Henry Cudmore and Rebecca Elizabeth Cudmore and that each of them is over the full age of twenty-one years.

4. That I am a subscribing witness to the said instrument and duplicate.

Sworn before me at the Town of Oakville, in the County of Halton, this fourth day of November, 1915.	}	"W. S. DAVIS."
"W. A. CHISHOLM," A Commissioner, etc.		

SCHEDULE "B."

This Indenture made in triplicate the twenty-eighth day of February, 1916, in pursuance of *The Short Forms of Conveyances Act*,

Between

Edmund F. Osler, of the Township of Trafalgar, in the County of Halton, Yeoman, herein called the party of the first part;

The Toronto and Hamilton Highway Commission, herein called the party of the second part;

and

Nadine Jane Hamilton Osler, wife of the said party of the first part, of the third part.

Witnesseth that in consideration of the conveyance by the said party of the second part to the said party of the first part of the

lands described in Schedule "B" hereto and for the further consideration of the sum of twelve hundred dollars (\$1,200) of lawful money of Canada now paid by the said party of the second part to the said party of the first part (the receipt whereof is hereby acknowledged), he, the said party of the first part, doth grant unto the said party of the second part in fee simple the lands described in Schedule "A" hereto to have and to hold unto the said party of the second part, its successors and assigns to and for its and their sole and only use forever, subject nevertheless to the reservations, limitations, provisoes and conditions expressed in the original grant thereof from the Crown.

The said party of the first part covenants with the said party of the second part that he has the right to convey the said lands to the said party of the second part, notwithstanding any act of the said party of the first part;

And that the said party of the second part shall have quiet possession of the said lands free from all encumbrances;

And the said party of the first part covenants with the said party of the second part that he will execute such further assurances of the said lands as may be requisite;

And the said party of the first part covenants with the said party of the second part that he has done no act to encumber the said lands;

And the said party of the first part releases to the said party of the second part all his claims upon the said lands;

And the said party of the third part, the wife of the said party of the first part, hereby bars her dower in the said lands;

And that for the consideration aforesaid the party of the first part for himself, his heirs, executors, administrators and assigns hereby releases and discharges the party of the second part, its successors and assigns from all claims and demands which the party of the first part now has or which he or his heirs, executors, administrators and assigns might or could hereafter have against the party of the second part, its successors or assigns by reason of severance or of the construction, maintenance and use of a highway upon the said lands described in said Schedule "A" hereto;

And this indenture further witnesseth that in consideration of the conveyance by the said party of the first part to the said party of the second part of the lands described in said Schedule "A," the said party of the second part doth grant unto the said party of the first part in fee simple the lands described in Schedule "B" hereto to have and to hold unto the said party of the first part, his heirs and assigns to and for his and their sole and only use forever, subject nevertheless to the reservations, limitations, provisoes and conditions expressed in the original grant thereof from the Crown;

And the said party of the second part covenants with the said party of the first part that it will execute such further assurances of the said lands as may be requisite;

And the said party of the second part covenants with the said party of the first part that it has done no act to encumber the said lands;

And the said party of the second part releases to the said party of the first part all its claims upon the said lands described in said Schedule "B."

In witness whereof the parties hereto have hereunto set their hands and seals and corporate seal attested by the hands of the proper officers in that behalf.

Signed, sealed and delivered in the presence of (Signed) F. G. OSLER and JAS. A. THOMPSON.	{	(Signed) E. F. OSLER, (Seal)
		By his Attorney, ENO B. OSLER.
		(Signed) NADINE J. H. OSLER. (Seal)

TORONTO & HAMILTON HIGHWAY COMMISSION. (Seal)

(Signed) GEO. H. GOODERHAM,
Chairman.

(Signed) J. G. FRANK BEER,
Honorary Secretary.

Executing under Power of Attorney bearing date the 22nd day of January, 1915, and registered in the Registry Office for the County of Halton in Book F for General Register on the 17th day of February, 1916, as Number 2061.

SCHEDULE "A."

Referred to in the annexed Conveyance.

All and singular that certain parcel or tract of land and premises situate, lying and being in the Township of Trafalgar, in the County of Halton, in the Province of Ontario, being composed of part of Lot Number 33 in the fourth concession south of Dundas Street, otherwise called the Broken Front Concession in the said Township and consisting of a strip of land sixty-six feet (66') in width, thirty-three (33') feet measured at right angles on either side of the centre line of the said strip and which strip of land may be more particularly described as follows, that is to say: Commencing at a point in the division line between lots numbers thirty-two and thirty-three, distant four thousand one hundred and fourteen feet and eight inches (4,114' 8") measured south-easterly along the said division line from the southern limit of the road allowance between the Broken Front and the third concessions of the said Township of Trafalgar;

Thence south one degree and forty-six minutes west (S. 1° 46' W.) parallel with and distant thirty-three feet (33') measured at right angles from the located centre line of the herein described parcel, one thousand five hundred and three feet and two inches (1,503' 2");

Thence on an eight degree and twenty-three minute curve (8° 23' C.) to the right, to an intersection with the division line between lots numbers thirty-three and thirty-four, and the northern limit of the present Lake Shore Road;

Thence north-easterly and following along the northern limit of the Lake Shore Road two hundred and eighty feet (280') more or less to a point distant thirty-three feet (33') measured easterly at right angles from the located centre line of the herein described parcel;

Thence north one degree and forty-six minutes east (N. $1^{\circ} 46'$) parallel with and distant thirty-three feet (33') measured easterly at right angles from the aforesaid located centre line one thousand four hundred and forty-eight feet and ten inches (1,448' 10") more or less to the aforesaid division line between lots numbers thirty-two and thirty-three;

Thence north-westerly along the said division line ninety-two feet and four inches (92' 4") to the place of beginning;

The above described parcel of land containing by admeasurement two and four-tenths acres (2.4 acs.), be the same more or less.

SCHEDULE "B."

Referred to in the annexed Conveyance.

All and singular that certain parcel or tract of land and premises situate, lying and being in the Township of Trafalgar, in the County of Halton, in the Province of Ontario, being composed of part of the Lake Shore Road Allowance through part of lot number thirty-three in the fourth concession, S.D.S., otherwise called the Broken Front Concession in the said township, and which may be more particularly described as follows, that is to say:—

Commencing at the intersection of the division line between lots numbers thirty-two and thirty-three with the northerly limit of the old Lake Shore Road, said point being distant four thousand eight hundred and thirty-six and six-tenths feet (4,836.6') measured south-easterly along the said division line between lots numbers thirty-two and thirty-three from the south-easterly limit of the road allowance between the Broken Front or fourth concession and the first concession, S. D. S.;

Thence south-westerly following along the said northern limit of the old Lake Shore Road eleven hundred and fifteen and eight-tenths feet (1,115.8') more or less to the easterly limit of the Toronto and Hamilton Highway;

Thence southerly along the said easterly limit of the Toronto and Hamilton Highway on a curve to the right two hundred and seventeen and six-tenths feet (217.6') to the southerly limit of the aforesaid old Lake Shore Road;

Thence north-easterly along the said southerly side of the last mentioned road allowance thirteen hundred and two and six-tenths feet (1,302.6') more or less to the aforesaid division line between lots numbers thirty-two and thirty-three;

Thence north-westerly along the said last mentioned division line fifty-five feet (55') more or less to the place of beginning.

Province of Ontario, County of York, To Wit: I, Francis Gordon Osler, of the City of Toronto, in the County of York, Share Broker, make oath and say:—

1. That I was personally present and did see the within instrument and duplicate and triplicate thereof duly signed, sealed and executed by Edmund F. Osler (by his attorney, Edmund B. Osler), and Nadine Jane Hamilton Osler, two of the parties hereto.

2. That the said instrument and duplicate and triplicate were executed by the said parties at Toronto aforesaid.

3. That I know the said parties and am satisfied that each of them is of the full age of 21 years.

4. That I am a subscribing witness to the said instrument and duplicate and triplicate. "

Sworn before me at the City
of Toronto, in the County of
York, this first day of March,
A.D. 1916.

(Sgd.) JAS. A. THOMPSON,
A Commissioner, etc.

(Sgd.) F. G. OSLER.

I certify that the within instrument is duly entered and registered in the Registry Office for the Registry Division of the County of Halton in Book C. for Trafalgar, at 11.10 o'clock a.m. of the 17th day of March, 1916, No. 11959.

(Sgd.) M. B. FIELD.

Dp. Registrar.

SCHEDULE "C."

This agreement made in duplicate this 28th day of September, 1915.

Between:

The Municipal Corporation of the Town of Oakville in the County of Halton (hereinafter called the Corporation), of the first part;

and

The Toronto and Hamilton Highway Commission (hereinafter called the Commission, of the second part.

Whereas the Commission has settled upon the specifications according to which its highway is to be constructed, which provide amongst other things that the roadway shall be eighteen feet of concrete with a three-foot gravel or macadam shoulder on each side and open ditching on each side;

And whereas the Corporation desires that upon that part of the roadway on Colborne Street between the easterly limit of Allan Street and the easterly limit of Navy Street in the said Town of Oakville there shall be constructed a permanent pavement of a greater width and in accordance with the specifications set forth in Schedule A hereunto annexed, the portion between the easterly limit of Allan Street and the easterly limit of Dundas Street being thirty feet in width and the portion between the easterly limit of Dundas Street and the easterly limit of Navy Street being fifty feet in width;

And whereas the Commission has agreed to construct the said permanent pavement of the said additional width;

Now this agreement witnesseth:

1. That the Commission shall as part of its roadway construct a permanent pavement on Colborne Street thirty feet in width between the easterly limit of Allan Street and the easterly limit of Dundas Street and fifty feet in width between the easterly limit of Dundas Street and the easterly limit of Navy Street, according to the specifications set forth in the said Schedule A.

2. The Corporation shall pay to the Commission the amount by which the cost of constructing the said widened permanent pavement exceeds what it would have cost the Commission to construct on Colborne Street between the easterly limit of Allan Street and the easterly limit of Navy Street a roadway of the width and in accordance with the specifications settled upon by the Commission, such excess cost to be ascertained and certified by the chief engineer for the time being of the Commission, and the Corporation's engineer, and payment to be made by the Corporation forthwith upon such cost being so ascertained and certified. Such payment shall be made by the Corporation in addition to all other payments for which the Corporation shall be liable pursuant to the provisions of The Toronto and Hamilton Highway Commission Act.

3. In the cost of constructing the said widened permanent pavement which the Corporation is to pay pursuant to the last preceding clause of this agreement there shall be included all such sums as the Commission may pay for or in connection with such works, including storm sewers, as the chief engineer for the time being of the Commission, and the Corporation's engineer shall certify to have been rendered necessary or desirable by the widening of the roadway as aforesaid, and including also all lands or easements which the Commission or the Corporation may deem it requisite or desirable to acquire in connection with such storm sewers or other works, provided that upon payment by the Corporation of the cost which the Corporation is to pay pursuant to the foregoing provisions of this agreement the Commission shall convey to the Corporation (subject to such easements or other rights as the Commission may deem it requisite to retain) any excess lands acquired by the Commission for such sewers or other works and not in the opinion of the Commission further required for the purposes of the Commission.

4. In case the chief engineer of the Commission and the Corporation's engineer shall fail to agree about any matter which they are to decide, ascertain or certify pursuant to clause 2 or clause 3 of this agreement, the matter shall without further action on the part either of the Corporation or of the Commission be and it is hereby referred for decision to the said engineers and to the then Senior Judge of the County Court of the County of York as referee, and the decision of the said referee shall be final and binding upon the parties.

5. The intention of the parties being that all additional cost of maintenance entailed by the construction of the widened permanent pavement as aforesaid shall be borne by the Corporation it is declared and agreed that the payments to be made by the Corporation as hereinbefore agreed shall be deemed to be a contribution by the Corporation to the cost of construction of the Commission's roadway within the meaning of subsection 5 of section 22 of the Toronto and Hamilton Highway Commission Act, and that the Corporation's proportion of the cost of maintenance and repair of the highway shall be determined accordingly.

6. The Commission agrees to furnish to the Corporation such full and accurate information as to the construction, measurements and cost of the said work as may be required by the Corporation for the purpose of preparing a special assessment roll therefor.

7. The Corporation shall join with the Commission in any application that it may be deemed advisable to make to the Legislature of Ontario for legislation confirming this agreement or any part of it or giving effect to the intention of the parties.

In witness whereof the parties have hereunto set their Corporate Seals by their duly authorized officers.

Signed, sealed and delivered in the presence of	}	"W. E. FEATHERSTONE,"	Mayor.
"M. C. IRVINE."		"WM. E. M. CRAWLEY,"	Clerk.

SCHEDULE "D."

COPY OF RESOLUTION PASSED BY THE COUNCIL OF THE TOWNSHIP OF TRAFALGAR.

TRAFALGAR P.O., August 16th, 1915.

That authority be and is hereby given to the Commission of the Police Village of Bronte to enter into an agreement with the Toronto-Hamilton Highway Commission, for such local improvements as may be necessary on said highway in said Village, Trafalgar Municipality to guarantee the cost. Carried.

COPY OF RESOLUTION PASSED BY THE COUNCIL OF THE TOWNSHIP OF TRAFALGAR.

TRAFALGAR P.O., Nov. 15th, 1915.

Wallbrook-Turner.

That the Clerk be and is hereby instructed to attach the Corporate Seal to Resolution passed by Council on August 16, 1915, granting privilege to the Commission of the Police Village of Bronte to enter into negotiation with the Toronto-Hamilton Highway Commission for construction of work to the extent of \$1,051.00. Carried.

This agreement made in duplicate this fourteenth day of October, 1915.

Between:

The Toronto and Hamilton Highway Commission (hereinafter called the "Commission"), of the first part;

and

The Trustees of the Police Village of Bronte, in the Township of Trafalgar, in the County of Halton (hereinafter called the "Trustees"), of the second part.

Whereas the Commission has settled upon the specifications according to which its highway is to be constructed, which provide amongst other things, that the highway shall be eighteen feet of concrete with a three-feet gravel or macadam shoulder on each side and open ditching on each side;

And whereas the Commission has commenced the construction of its highway through the Police Village of Bronte in the said Town-

ship of Trafalgar, and in carrying on the said work it has been necessary for the Commission to take up and remove or destroy certain drains between East Street and West Street and certain sidewalks between Trafalgar Street and Mississauga Street within the limits of the said Police Village;

And whereas the Trustees desire that the said sidewalks and drains should be replaced by the Commission with the cement walks and covered tile drains mentioned in, and constructed according to the specifications set forth in Schedule "A" herein annexed;

And whereas it has been agreed that the Commission shall construct the said sidewalks and drains mentioned in Schedule "A" hereto annexed in accordance with the said specifications and that the Trustees' share of the cost of the said work shall be the sum of one thousand and fifty-one dollars (\$1,051.00);

Now this agreement witnesseth:

1. The Commission shall construct the said sidewalk and drains in accordance with the specifications set forth in Schedule "A" hereto annexed.

2. Forthwith, upon the completion of the construction of the said sidewalks and drains, the Trustees shall pay to the Commission the said sum of one thousand and fifty-one dollars (\$1,051.00) in full satisfaction and payment of the Trustees' share of the cost thereof, such payment to be in addition to all other payments for which the trustees or the Township of Trafalgar shall be liable pursuant to the provisions of The Toronto and Hamilton Highway Commission Act.

3. The Commission agrees to furnish to the Trustees such full and accurate information as to the construction, measurements and cost of the said work as may be required by the Trustees for the purpose of preparing a special assessment roll therefor.

In witness whereof the parties hereto have hereunto set their corporate seals and hands of their proper officers respectively.

Signed, sealed and delivered

in the presence of

"H. M. FLUMERFELT."

{	"W. H. CUDMORE,,	Chairman.
		(SEAL.)
	"LOUIS JOYCE,"	(SEAL.)
	"J. S. FLUMERFELT."	(SEAL.)

SPECIFICATIONS FOR SIDEWALKS FOR THE VILLAGE OF BRONTE.

The sidewalk as shown on the attached plan and as mentioned in the agreement between the Toronto and Hamilton Highway Commission and the Village of Bronte, is to be built according to the standard specifications for concrete sidewalks as on file in the office of the Clerk of the Village of Bronte.

SPECIFICATIONS FOR A TILE DRAIN SYSTEM IN THE VILLAGE OF BRONTE.

The tile drains to be built as shown on attached plan, and as referred to in the attached agreement are to be 6 inches and 12 inches in diameter, and placed at such a depth as shown by the engineers of The Toronto and Hamilton Highway Commission to grades as set by them, and are to be laid with open joints, and backfilled to the surface with gravel to be supplied by the Village of Bronte.

SCHEDULE "E."

This indenture made the day of one thousand
 nine hundred and sixteen. In pursuance of the Short Forms
 of Conveyances Act.

Between:

William George Gooderham, of the City of Toronto, Esquire,
 hereinafter called the Grantor, of the first part;

Ella Gooderham, his wife, of the second part;

and

The Toronto and Hamilton Highway Commission, hereinafter
 called the Grantees, of the third part.

Whereas the lands hereinafter mentioned are required by the said
 Grantees for the purposes authorized by the Act 5 George the
 Fifth, Chapter 18 (Ontario) and have agreed with the said Grantor
 for the purchase thereof.

Now therefore this indenture witnesseth:

That in consideration of one dollar of lawful money of Canada
 now paid by the said Grantees to the said Grantor (the receipt
 whereof is hereby by him acknowledged) he the said Grantor doth
 grant unto the said Grantees in fee simple all that certain parcel of
 land situate in the Township of Toronto, in the County of Peel,
 containing two hundredths of an acre more or less composed of part
 of lot number thirty-two in the Fourth Concession south of Dundas
 Street, described as follows:

Commencing at a point where a stake has been planted in the
 south-easterly limit of the Lake Shore Road at a line between lots
 numbers 32 and 33; thence north 38 degrees and 6 minutes east
 along the said south-easterly limit of the Lake Shore Road five
 hundred and seventy-nine feet; thence south 37 degrees and 40
 minutes west two hundred and seventeen feet and ten inches;
 thence south 37 degrees and 59 minutes west three hundred and
 sixty-one feet and six inches to the said line between lots numbers
 32 and 33; thence north 44 degrees and 3 minutes west along the
 said line two feet and five and one-quarter inches more or less to
 the place of beginning.

To hold unto and to the use of the said Grantees, their successors
 and assigns. And for the consideration aforesaid the Grantor for
 himself, his heirs, executors, administrators and assigns hereby re-
 leases and discharges the Grantees, their successors and assigns
 from all claims and demands which the Grantor now has or which
 he or his heirs, executors, administrators or assigns might or could
 hereafter have against the Grantees, their successors or assigns by
 reason of or on account of the construction, maintenance and use
 of a highway upon the said lands with such works therefor and at
 such levels or grades as the Grantees, their successors and assigns
 may at any time think proper.

The said Grantor covenants with the said Grantees that he has
 the right to convey the said lands to the said Grantees notwithstand-
 ing any act of the said Grantor; And that the said Grantees shall
 have quiet possession of the said lands free from all incumbrances;
 And the said Grantor covenants with the said Grantees that he will
 execute such further assurances of the said lands as may be
 requisite; And the said Grantor covenants with the said Grantees

that he has done no act to incumber the said lands; And the said wife of the said Grantor hereby bars her dower in the said lands.

In witness whereof the said parties have hereunto set their hands and seals and Corporate Seal.

Signed, sealed and delivered
in the presence of

"W. G. GOODERHAM,"
"ELLA GOODERHAM."

"E. D. GOODERHAM."

"E. JOHNSON."

TORONTO AND HAMILTON HIGHWAY COMMISSION.

"GEO. H. GOODERHAM,"
Chairman.

"G. FRANK BEER,"
Honorary Secretary.

County of York to Wit: I, Edward Douglas Gooderham, of the City of Toronto, in the County of York, make oath and say: Assistant Manager:

1. That I was personally present and did see the within instrument and a duplicate thereof duly signed, sealed and executed by William George Gooderham and Ella Gooderham, two of the parties thereto.

2. That the said instrument and duplicate were so executed by the said parties at the City of Toronto, in the County of York.

3. That I know the said parties, and that each of them is over the age of twenty-one years.

4. That I am a subscribing witness to the said instrument and duplicate.

Sworn before me at the City
of Toronto, in the County of
York, this 17th day of April
1916.

"G. E. McCANN,"
A Commissioner &c.

"E. D. GOODERHAM."

SCHEDULE "F."

This indenture made the day of 1916.

Between:

The Toronto and Hamilton Highway Commission, hereinafter called the Grantors, of the first part;

and

William George Gooderham, of the City of Toronto, Esquire, hereinafter called the Grantee, of the second part.

Witnesseth that in consideration of the sum of one dollar of lawful money of Canada now paid by the said Grantee to the said Grantors (the receipt whereof is hereby acknowledged), the said Grantors do grant unto the said Grantee in fee simple: All that

certain parcel of land situate in the Township of Toronto, in the County of Peel, containing two hundredths of an acre more or less, composed of part of the allowance for road between the Third and Fourth Concessions south of Dundas Street described as follows:

Commencing in the northwesterly limit of the Lake Shore Road at the line between lots numbers 32 and 33; thence south 51 degrees and 44 minutes east two feet and five and one-quarter inches; thence north 37 degrees and 59 minutes east three hundred and seventy-one feet and eight and a half inches; thence north 37 degrees and 40 minutes east two hundred and seventeen feet and ten inches to the said northwesterly limit of the Lake Shore Road; thence south 38 degrees and 6 minutes west along the last mentioned limit five hundred and eighty-nine feet and six and a half inches more or less to the place of beginning.

To hold unto and to the use of the said Grantee, his heirs and assigns forever.

It is declared and agreed that nothing herein contained shall be construed to imply any covenant on the part of the said Grantors or any representation on the part of the said Grantors that they have the right to convey the said lands to the said Grantee.

In witness whereof the said parties hereto have hereunto set their Corporate Seal and hand and seals.

Sealed and delivered and countersigned by

In the presence of

"E. JOHNSON."

TORONTO AND HAMILTON HIGHWAY COMMISSION.

"GEO. H. GOODERHAM,"
Chairman.

"G. FRANK BEER,"
Honorary Secretary.

Signed, sealed and delivered
in the presence of
"E. D. GOODERHAM."

} "W. G. GOODERHAM."

No. 174.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act to amend The Toronto and Hamilton Highway Commission Act.

1st Reading, 17th April, 1916.

Mr. MACDIARMID.

TORONTO:
PRINTED BY A. T. WIERESS,
Printer to the King's Most Excellent Majesty.

BILL

An Act to amend The Toronto and Hamilton Highway Commission Act.

WHEREAS when *The Toronto and Hamilton Highway Commission Act* was enacted the total cost of the roadway was estimated to amount to \$600,000; and whereas it is now estimated that such total cost will amount to \$920,000 or thereabouts, and it is desirable to provide for such additional cost and to amend said Act accordingly and in other respects as hereinafter set forth;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Toronto and Hamilton Highway Commission Act, 1916.* Short title.

2. Section 9 of *The Toronto and Hamilton Highway Commission Act* is amended by adding the following subsection thereto:— 5 Geo. V.,
c. 18, s. 9,
amended.

- (2) Provided, however, that the course of the said roadway may be, with the consent of the Lieutenant-Governor in Council, be varied at any point or points upon the Commission filing in the said Department a plan or plans showing such variation or variations, such plan or plans to be certified by an Ontario land surveyor and approved by the Ontario Railway and Municipal Board, after giving such notice and hearing such parties as the Board may think proper. Varying
from route
on original
plan.

3. Section 11 of the said Act is amended

(a) By inserting before the word "reconstruct" in the second line of subsection 1 the word "replace," and

5 Geo. V.,
c. 18, s. 11,
repealed.

(b) By inserting before the word "reconstruction" where it occurs in the seventh line of subsection 1, in the first line of subsection 2, and in the third line of subsection 3 the word "replacement."

5 Geo. V.,
c. 18, s. 17,
subs. 4,
repealed.

4. Subsection 4 of section 17 of the said Act is repealed and the following substituted therefor:—

Application
of fines and
penalties
imposed
under
Rev. Stat.
c. 207.

- (4) All fines and penalties recovered on account of any breach or breaches of *The Motor Vehicles Act* or regulations made thereunder or regulations made by the Commission or otherwise for any offence committed on the highway shall be paid over to the Commission, notwithstanding anything contained in any other Statute or Statutes or regulations made thereunder.

5 Geo. V.,
c. 18, s. 18,
amended.

5. Section 18 of the said Act is amended by adding thereto the following subsections:—

Borrowing
powers of
Commission.

- (9) The Commission may from time to time, with the consent of the Lieutenant-Governor in Council, borrow on the credit of the Commission all such sums in excess of \$600,000 as shall be required for the completion of the roadway, and for all sums so borrowed may issue from time to time debentures.

Term of
debentures
and rate of
interest.

- (10) The debentures shall be payable in not more than five years from the first day of November, 1914, and shall bear date as of the date of the Order-in-Council approving of the issue thereof, and shall bear interest at a rate not exceeding six per centum per annum payable half yearly on the first days of May and November in each year during the currency of the debentures.

Denomina-
tion of
debentures.

- (11) Such debentures may be issued in the denomination of \$100, \$500, or \$1,000, or partly in one or partly in others, of such denominations as the Commission may determine and may be in the form set out in Schedule "A" to the said Act so far as such form is applicable, and the signature of the Chairman of the Commission to the coupons thereon may be engraved or lithographed.

Subs. 3-8 to
apply to
new issue of
debentures.

- (12) Subsections 3, 4, 5, 6, 7, and 8 shall apply to the debentures to be issued under subsection 9.

5 Geo. V.,
c. 18, ss. 19,
20 repealed.

6.—(1) Sections 19 and 20 of the said Act are repealed and the following substituted therefor:—

- (19) Within five years from the first day of November, 1914, the Municipal Corporation of the City of Toronto shall raise and pay over to the Commission the sum of \$250,000 on account of the share of the said Corporation towards the cost of the roadway. Contribution from City of Toronto.
- (2) Within the same period the Municipal Corporation of the City of Hamilton shall raise and pay over to the Commission the sum of \$50,000 on account of the share of the said Corporation towards the cost of the roadway. Contribution from the City of Hamilton.
- (3) Within the same period the Municipal Corporation of the County of York, the Municipal Corporation of the Village of Port Credit, the Municipal Corporation of the Town of Oakville, the Municipal Corporation of the Village of Burlington, the Municipal Corporation of the Township of Toronto, the Municipal Corporation of the Township of Trafalgar, the Municipal Corporation of the Township of Nelson, and subject to the provisions of the Township of East Flamboro, shall raise and pay over to the Commission the sum of \$216,000, each of the said Corporations to so raise and pay over such sum as shall bear the same proportion to the said sum of \$216,000 as the number of miles or fraction thereof of the roadway constructed within the limits of said corporation bears to the whole mileage of the roadway, such mileage in each case to be shown by the certificate of the surveyor appointed under section 14, and such sum of money or the debentures which may be issued for the purpose of raising the same shall be provided for by a general rate on all the property in the municipality liable for taxation. Contribution from other municipalities.
- (4) Should the Commission take over or use as part of the roadway a road included in the county road system of the County of Wentworth, and situate in the Township of East Flamboro, the Corporation of the county shall within the said period raise and pay over to the Commission the amount which the Township of East Flamboro, but for the provisions of this subsection, would under subsection 3 be obliged to raise and pay over in respect of the mileage of the county road so taken or used, such mileage to be shown by certificate of the surveyor appointed under section 14, and County roads in Wentworth.

shall thereafter be liable to contribute to the maintenance of the roadway in the proportion which such contribution to the cost of the roadway bears to the total amount contributed by municipal corporations to the maintenance of the roadway, and the Corporation of the township shall, to that extent, be relieved from liability with respect to the construction and maintenance of the roadway.

Raising
balance of
cost by
local
assessment.

- (5) In addition to the amount provided for by subsection 3, the Municipal Corporation of the Township of Etobicoke, the Municipal Corporation of the Village of Mimico, and the Municipal Corporation of the Village of New Toronto, and each of the municipal corporations (other than the County of York) mentioned in the said subsection shall, within the said period of five years, pay to the Commission its share as determined by the Commission according to the mileage of the roadway in each municipality as shown by the certificate of the surveyor appointed under section 14 of the balance of the cost of construction up to, but not exceeding \$4,000 per mile of the roadway after deducting the contributions from the municipal corporations above mentioned and from the Province of Ontario and the share of each municipality shall be raised by such municipality imposing for a period not exceeding twenty years a special annual rate on the property fronting or abutting upon the roadway or benefited thereby under *The Local Improvement Act*, and the councils of the respective municipalities shall pass such by-laws and take all such other necessary proceedings for imposing, levying and collecting such special rate.

Rev. Stat.
c. 193.

- (a) In estimating the amount payable by the Municipal Corporation of the Township of Etobicoke under this subsection, the sum which would be chargeable against the land now occupied by the Mimico Hospital for the Insane, if such land were not the property of the Crown and if such land adjoins the roadway, shall be deducted, and the amount thereof shall be included in the rate to be levied by the respective municipalities under this subsection.

- (6) Each municipality may pass by-laws for issuing and may issue its debentures for an amount sufficient to pay its share for a term not exceeding twenty years and make the principal payable in annual instalments or at the end of a term and bearing interest at a rate not exceeding six per cent. per annum, payable half-yearly as may be found necessary, and the municipality shall be entitled to collect the rates so imposed and apply the same to the payment of such debentures.

Issue of debentures by municipalities.

- (7) During the currency of the debentures issued by the Commission the respective municipal corporations and the Province of Ontario shall be liable for and shall pay over to the Commission upon demand the amount required to meet the interest charges upon debentures and borrowings of the Commission in the proportion which the amount of the contribution of each municipality or of the Province of Ontario to the cost of the roadway bears to the total amount to be contributed by municipal corporations and the Province of Ontario, the amount so to be paid by the Province of Ontario to be paid out of the Consolidated Revenue Fund.

Payment of interest charges by municipal corporations.

- (8) There shall be paid out of the Consolidated Revenue Fund to the Commission on account of the share of the Province of Ontario the balance of the cost of the roadway, exclusive of the cost to the Commission and to municipal corporations of the replacement, reconstruction, enlargement, or alteration of bridges provided for in section 11, but not to exceed a sum equal to forty per cent. (40%) of an expenditure of \$920,000, and subject to such terms and regulations as may be imposed by Order-in-Council.

Contribution of Province.

7. Subsection 5 of section 19 of the said Act is amended by inserting after the word "roadway" in the 17th line the words "or highway."

8. Subsections 2, 3 and 4 of section 22 of said Act are repealed and the following substituted therefor:—

5 Geo. V.,
c. 18, s. 22,
subs. 2,
3 and 4
repealed.

- (2) All damages and costs recovered against the Commission under subsection 1 shall be paid to the Commission by the municipal corporations liable for the cost of the maintenance and repair of the roadway in the same proportions as they are under the provisions of said Act liable for such cost of maintenance and repair.

Reimbursement of Commission for payment of claim for damages.

Contribution of City of Toronto to maintenance and repair.

- (3) The Municipal Corporation of the City of Toronto, during the period of twenty-five years from the first day of November, 1914, shall annually on demand pay to the Commission such proportion of the cost of maintenance and repair of the roadway as the total sum which the said Corporation is to contribute pursuant to this Act to the cost of the roadway bears to the total amount contributed by the municipal corporations (exclusive of that contributed under section 11) towards the cost of the roadway.

Contribution of City of Hamilton to maintenance and repair.

- (4) The Municipal Corporation of the City of Hamilton during the period of twenty-five years from the first day of November, 1914, shall annually on demand pay to the Commission such proportion of the cost of maintenance and repair of the roadway as the total sum which the said Corporation is to contribute pursuant to this Act to the cost of the roadway bears to the total amount contributed by the municipal corporations (exclusive of that contributed under section 11) towards the cost of the roadway.

5 Geo. V., c. 18, s. 24, subs. 1, repealed.

9. Subsection 1 of section 24 of the said Act is repealed and the following substituted therefor:—

Varying width or specifications under agreement with municipality or owner.

- (1) The corporation of any municipality which under the provisions of this Act contributes to the cost of construction of the highway and any owner of land adjoining the highway may enter into an agreement with the Commission for the construction of a permanent pavement upon the roadway with different specifications or of greater width and with different specifications than the remainder of the roadway and the Commission may construct the pavement as may be so agreed upon.

Upkeep of work done under agreement.

- (1a) The Commission shall keep an accurate account of the extra cost of upkeep of that part of the roadway so constructed according to such agreement, and such extra cost shall be borne and paid by the corporation or person entering into such agreement.

Agreement for removal of snow, ice, etc.

- (1b) Any such corporation or owner may enter into an agreement with the Commission for the removal of snow, ice, mud, debris and generally keeping clean that portion of the highway mentioned in such agreement, the

Commission to keep an accurate account of the cost thereof and the amount of such cost shall be borne by the corporation or person entering into such agreement.

10. The said Act is further amended by adding thereto the following sections:—

5 Geo. V.,
c. 18,
amended.

25. The Indenture made pursuant to *The Short Forms of Conveyances Act*, between one Cudmore and the Commission, copy of which is set forth in Schedule "A" to this Act, is ratified and confirmed, and the lands which purpose to be conveyed by said conveyance to the said Cudmore are hereby vested as of the date of said conveyance in the said Cudmore in fee simple. Cudmore conveyance confirmed.
26. The indenture made pursuant to *The Short Forms of Conveyance Act*, between one Osler and the Commission, copy of which is set forth in Schedule "B" to this Act, is ratified and confirmed and the lands which purport to be conveyed by said conveyance to the said Osler are hereby vested as of the date of said conveyance in the said Osler in fee simple. Osler conveyance confirmed.
27. The agreement entered into between the Commission and the Corporation of the Town of Oakville, copy of which is set forth in Schedule "C" hereto, is hereby ratified and confirmed and declared to be valid and binding on the parties thereto. Agreement with Town of Oakville confirmed.
28. The resolution passed by the Municipal Council of the Township of Trafalgar, a copy of which is set forth in Schedule "D" hereto, is hereby ratified and confirmed and declared to be valid and binding upon the said Police Village of Bronte. Resolution of Police Village of Bronte confirmed.
29. The indenture made pursuant to *The Short Forms of Conveyances Act*, between one William George Gooderham and the Commission, a copy of which is set forth in Schedule "E" to this Act, is ratified and confirmed, and declared to be valid and binding upon the parties thereto.
30. The indenture made between the Commission and William George Gooderham, a copy of which is set forth in Schedule "F" to this Act, is ratified and confirmed, and declared to be valid and binding upon the parties thereto.

SCHEDULE "A."

This Indenture, made the third day of November, 1915, in pursuance of *The Short Forms of Conveyances Act*.

Between:

William Henry Cudmore, of the Township of Trafalgar, in the County of Halton, Yeoman, hereinafter called the Grantor, of the First Part;

Rebecca Elizabeth Cudmore, his wife, of the Second Part;

and

The Toronto and Hamilton Highway Commission, hereinafter called the Grantees, of the Third Part.

Whereas the lands hereinafter mentioned are required by the said Grantees for the purposes authorized by the Act fifth, George V, chapter 18, respecting the said Grantees and the said Grantees have arranged with the said Grantor for a conveyance thereof to them; Now therefore this Indenture, witnesseth that in consideration of the premises and of one thousand five hundred dollars of lawful money of Canada now paid by the said Grantees to the said Grantor (the receipt whereof is hereby by him acknowledged), he, the said Grantor, doth grant unto the said Grantees in fee simple all that certain parcel of land situate in the said Township of Trafalgar composed of part of lot number thirty-two (part of which is sometimes called lot number thirty-one) in the Fourth Concession south of Dundas Street, otherwise called the Broken Front Concession, consisting of a strip of land sixty-six feet in width, thirty-three feet measured at right angles on either side of the centre line of the said strip extending from West Street in the Village of Bronte to the division line between the lands of the said Grantor and one Crabb, and bounded by West Street and by the said division line, the said centre line of which is described as follows:—

Commencing at a point in the south-western limit of West Street one foot and ten inches measured south-westerly along the said limit of street from the centre line of Triller Street produced; thence on a five degree curve to the left four hundred and thirty-four feet and eight and one-half inches; thence south one degree and forty-six minutes west four hundred and eighty-six feet and nine and one-half inches more or less to the said division line between the lands of the said Grantor and Crabb. To hold unto and to the use of the said Grantees, their successors and assigns. And for the consideration aforesaid the Grantor for himself, his heirs, executors, administrators and assigns hereby releases and discharges the Grantees, their successors and assigns from all claims and demands which the Grantor now has or which he or his heirs, executors, administrators or assigns might or would hereafter have against the Grantees, their successors or assigns by reason of the expropriation or taking of the said lands by the Grantees or for or on account of severance or of the construction, maintenance and use of a highway upon the said lands with such works therefor and at such levels or grades as the Grantees, their successors and assigns may at any time think proper.

The said Grantor covenants with the said Grantees that he has the right to convey the said lands to the said Grantees notwithstanding any act of the said Grantor; And that the said Grantees shall have quiet possession of the said lands free from all incumbrances; And the said Grantor covenants with the said Grantees that he will execute such further assurances of the said lands as may be requisite; And the said Grantor covenants with the said Grantees that he has done no act to encumber the said lands.

And the said Grantor releases to the said Grantees all his claims upon the said lands; And the said wife of the said Grantor hereby bars her dower in the said lands.

In witness whereof the said parties have hereunto set their hands and seals and Corporate Seal.

Signed, Sealed and Delivered in the presence of	}	" W. H. CUDMORE." (Seal)
" W. S. DAVIS."		" REBECCA E. CUDMORE." (Seal)

County of Halton, To Wit:—I, William Sinclair Davis, of the Town of Oakville, in the County of Halton, Agent, make oath and say:—

1. That I was personally present and did see the within instrument and a duplicate thereof duly signed, sealed and executed by William Henry Cudmore and Rebecca Elizabeth Cudmore, two of the parties thereto.

2. That the said instrument and duplicate were so executed by the said parties at the Village of Bronte, in the County of Halton.

3. That I know the said William Henry Cudmore and Rebecca Elizabeth Cudmore and that each of them is over the full age of twenty-one years.

4. That I am a subscribing witness to the said instrument and duplicate.

Sworn before me at the Town of Oakville, in the County of Halton, this fourth day of November, 1915.	}	" W. S. DAVIS."
" W. A. CHISHOLM," A Commissioner, etc.		

SCHEDULE "B."

This Indenture made in triplicate the twenty-eighth day of February, 1916, in pursuance of *The Short Forms of Conveyances Act*,

Between

Edmund F. Osler, of the Township of Trafalgar, in the County of Halton, Yeoman, herein called the party of the first part;

The Toronto and Hamilton Highway Commission, herein called the party of the second part;

and

Nadine Jane Hamilton Osler, wife of the said party of the first part, of the third part.

Witnesseth that in consideration of the conveyance by the said party of the second part to the said party of the first part of the

lands described in Schedule "B" hereto and for the further consideration of the sum of twelve hundred dollars (\$1,200) of lawful money of Canada now paid by the said party of the second part to the said party of the first part (the receipt whereof is hereby acknowledged), he, the said party of the first part, doth grant unto the said party of the second part in fee simple the lands described in Schedule "A" hereto to have and to hold unto the said party of the second part, its successors and assigns to and for its and their sole and only use forever, subject nevertheless to the reservations, limitations, provisoes and conditions expressed in the original grant thereof from the Crown.

The said party of the first part covenants with the said party of the second part that he has the right to convey the said lands to the said party of the second part, notwithstanding any act of the said party of the first part;

And that the said party of the second part shall have quiet possession of the said lands free from all encumbrances;

And the said party of the first part covenants with the said party of the second part that he will execute such further assurances of the said lands as may be requisite;

And the said party of the first part covenants with the said party of the second part that he has done no act to encumber the said lands;

And the said party of the first part releases to the said party of the second part all his claims upon the said lands;

And the said party of the third part, the wife of the said party of the first part, hereby bars her dower in the said lands;

And that for the consideration aforesaid the party of the first part for himself, his heirs, executors, administrators and assigns hereby releases and discharges the party of the second part, its successors and assigns from all claims and demands which the party of the first part now has or which he or his heirs, executors, administrators and assigns might or could hereafter have against the party of the second part, its successors or assigns by reason of severance or of the construction, maintenance and use of a highway upon the said lands described in said Schedule "A" hereto;

And this indenture further witnesseth that in consideration of the conveyance by the said party of the first part to the said party of the second part of the lands described in said Schedule "A," the said party of the second part doth grant unto the said party of the first part in fee simple the lands described in Schedule "B" hereto to have and to hold unto the said party of the first part, his heirs and assigns to and for his and their sole and only use forever, subject nevertheless to the reservations, limitations, provisoes and conditions expressed in the original grant thereof from the Crown;

And the said party of the second part covenants with the said party of the first part that it will execute such further assurances of the said lands as may be requisite;

And the said party of the second part covenants with the said party of the first part that it has done no act to encumber the said lands;

And the said party of the second part releases to the said party of the first part all its claims upon the said lands described in said Schedule "B."

In witness whereof the parties hereto have hereunto set their hands and seals and corporate seal attested by the hands of the proper officers in that behalf.

Signed, sealed and delivered
in the presence of
(Signed) F. G. OSLER and
JAS. A. THOMPSON.

(Signed) E. F. OSLER, (Seal)
By his Attorney,
ENO B. OSLER.
(Signed) NADINE J. H. OSLER.
(Seal)

TORONTO & HAMILTON HIGHWAY COMMISSION.

(Seal)

(Signed) GEO. H. GOODERHAM,
Chairman.

(Signed) G. FRANK BEER,
Honorary Secretary.

Executing under Power of Attorney bearing date the 22nd day of January, 1915, and registered in the Registry Office for the County of Halton in Book F for General Register on the 17th day of February, 1916, as Number 2061.

SCHEDULE "A."

Referred to in the annexed Conveyance.

All and singular that certain parcel or tract of land and premises situate, lying and being in the Township of Trafalgar, in the County of Halton, in the Province of Ontario, being composed of part of Lot Number 33 in the fourth concession south of Dundas Street, otherwise called the Broken Front Concession in the said Township and consisting of a strip of land sixty-six feet (66') in width, thirty-three (33') feet measured at right angles on either side of the centre line of the said strip and which strip of land may be more particularly described as follows, that is to say: Commencing at a point in the division line between lots numbers thirty-two and 'thirty-three, distant four thousand one hundred and fourteen feet and eight inches (4,114' 8") measured south-easterly along the said division line from the southern limit of the road allowance between the Broken Front and the third concessions of the said Township of Trafalgar;

Thence south one degree and forty-six minutes west (S. 1° 46' W.) parallel with and distant thirty-three feet (33') measured at right angles from the located centre line of the herein described parcel, one thousand five hundred and three feet and two inches (1,503' 2");

Thence on an eight degree and twenty-three minute curve (8° 23' C.) to the right, to an intersection with the division line between lots numbers thirty-three and thirty-four, and the northern limit of the present Lake Shore Road;

Thence north-easterly and following along the northern limit of the Lake Shore Road two hundred and eighty feet (280') more or less to a point distant thirty-three feet (33') measured easterly at right angles from the located centre line of the herein described parcel: *

Thence north one degree and forty-six minutes east (N. $1^{\circ} 46'$) parallel with and distant thirty-three feet (33') measured easterly at right angles from the aforesaid located centre line one thousand four hundred and forty-eight feet and ten inches (1,448' 10") more or less to the aforesaid division line between lots numbers thirty-two and thirty-three;

Thence north-westerly along the said division line ninety-two feet and four inches (92' 4") to the place of beginning;

The above described parcel of land containing by admeasurement two and four-tenths acres (2.4 acs.), be the same more or less.

SCHEDULE "B."

Referred to in the annexed Conveyance.

All and singular that certain parcel or tract of land and premises situate, lying and being in the Township of Trafalgar, in the County of Halton, in the Province of Ontario, being composed of part of the Lake Shore Road Allowance through part of lot number thirty-three in the fourth concession, S.D.S., otherwise called the Broken Front Concession in the said township, and which may be more particularly described as follows, that is to say:—

Commencing at the intersection of the division line between lots numbers thirty-two and thirty-three with the northerly limit of the old Lake Shore Road, said point being distant four thousand eight hundred and thirty-six and six-tenths feet (4,836.6') measured south-easterly along the said division line between lots numbers thirty-two and thirty-three from the south-easterly limit of the road allowance between the Broken Front or fourth concession and the first concession, S. D. S.;

Thence south-westerly following along the said northern limit of the old Lake Shore Road eleven hundred and fifteen and eight-tenths feet (1,115.8') more or less to the easterly limit of the Toronto and Hamilton Highway;

Thence southerly along the said easterly limit of the Toronto and Hamilton Highway on a curve to the right two hundred and seventeen and six-tenths feet (217.6') to the southerly limit of the aforesaid old Lake Shore Road;

Thence north-easterly along the said southerly side of the last mentioned road allowance thirteen hundred and two and six-tenths feet (1,302.6') more or less to the aforesaid division line between lots numbers thirty-two and thirty-three;

Thence north-westerly along the said last mentioned division line fifty-five feet (55') more or less to the place of beginning.

Province of Ontario, County of York, To Wit: I, Francis Gordon Osler, of the City of Toronto, in the County of York, Share Broker, make oath and say:—

1. That I was personally present and did see the within instrument and duplicate and triplicate thereof duly signed, sealed and executed by Edmund F. Osler (by his attorney, Edmund B. Osler), and Nadine Jane Hamilton Osler, two of the parties hereto.

2. That the said instrument and duplicate and triplicate were executed by the said parties at Toronto aforesaid.

3. That I know the said parties and am satisfied that each of them is of the full age of 21 years.

4. That I am a subscribing witness to the said instrument and duplicate and triplicate.

Sworn before me at the City
of Toronto, in the County of
York, this first day of March,
A.D. 1916.

(Sgd.) JAS. A. THOMPSON,
A Commissioner, etc.

(Sgd.) F. G. OSLER.

I certify that the within instrument is duly entered and registered in the Registry Office for the Registry Division of the County of Halton in Book C. for Trafalgar, at 11.10 o'clock a.m. of the 17th day of March, 1916, No. 11959.

(Sgd.) M. B. FIELD,
Dp. Registrar.

SCHEDULE "C."

This agreement made in duplicate this 28th day of September, 1915.

Between:

The Municipal Corporation of the Town of Oakville in the County of Halton (hereinafter called the Corporation), of the first part:

and

The Toronto and Hamilton Highway Commission (hereinafter called the Commission, of the second part.

Whereas the Commission has settled upon the specifications according to which its highway is to be constructed, which provide amongst other things that the roadway shall be eighteen feet of concrete with a three-foot gravel or macadam shoulder on each side and open ditching on each side;

And whereas the Corporation desires that upon that part of the roadway on Colborne Street between the easterly limit of Allan Street and the easterly limit of Navy Street in the said Town of Oakville there shall be constructed a permanent pavement of a greater width and in accordance with the specifications set forth in Schedule A hereunto annexed, the portion between the easterly limit of Allan Street and the easterly limit of Dundas Street being thirty feet in width and the portion between the easterly limit of Dundas Street and the easterly limit of Navy Street being fifty feet in width;

And whereas the Commission has agreed to construct the said permanent pavement of the said additional width;

Now this agreement witnesseth:

1. That the Commission shall as part of its roadway construct a permanent pavement on Colborne Street thirty feet in width between the easterly limit of Allan Street and the easterly limit of Dundas Street and fifty feet in width between the easterly limit of Dundas Street and the easterly limit of Navy Street, according to the specifications set forth in the said Schedule A.

2. The Corporation shall pay to the Commission the amount by which the cost of constructing the said widened permanent pavement exceeds what it would have cost the Commission to construct on Colborne Street between the easterly limit of Allan Street and the easterly limit of Navy Street a roadway of the width and in accordance with the specifications settled upon by the Commission, such excess cost to be ascertained and certified by the chief engineer for the time being of the Commission, and the Corporation's engineer, and payment to be made by the Corporation forthwith upon such cost being so ascertained and certified. Such payment shall be made by the Corporation in addition to all other payments for which the Corporation shall be liable pursuant to the provisions of The Toronto and Hamilton Highway Commission Act.

3. In the cost of constructing the said widened permanent pavement which the Corporation is to pay pursuant to the last preceding clause of this agreement there shall be included all such sums as the Commission may pay for or in connection with such works, including storm sewers, as the chief engineer for the time being of the Commission, and the Corporation's engineer shall certify to have been rendered necessary or desirable by the widening of the roadway as aforesaid, and including also all lands or easements which the Commission or the Corporation may deem it requisite or desirable to acquire in connection with such storm sewers or other works, provided that upon payment by the Corporation of the cost which the Corporation is to pay pursuant to the foregoing provisions of this agreement the Commission shall convey to the Corporation (subject to such easements or other rights as the Commission may deem it requisite to retain) any excess lands acquired by the Commission for such sewers or other works and not in the opinion of the Commission further required for the purposes of the Commission.

4. In case the chief engineer of the Commission and the Corporation's engineer shall fail to agree about any matter which they are to decide, ascertain or certify pursuant to clause 2 or clause 3 of this agreement, the matter shall without further action on the part either of the Corporation or of the Commission be and it is hereby referred for decision to the said engineers and to the then Senior Judge of the County Court of the County of York as referee, and the decision of the said referee shall be final and binding upon the parties.

5. The intention of the parties being that all additional cost of maintenance entailed by the construction of the widened permanent pavement as aforesaid shall be borne by the Corporation it is declared and agreed that the payments to be made by the Corporation as hereinbefore agreed shall be deemed to be a contribution by the Corporation to the cost of construction of the Commission's roadway within the meaning of subsection 5 of section 22 of the Toronto and Hamilton Highway Commission Act, and that the Corporation's proportion of the cost of maintenance and repair of the highway shall be determined accordingly.

6. The Commission agrees to furnish to the Corporation such full and accurate information as to the construction, measurements and cost of the said work as may be required by the Corporation for the purpose of preparing a special assessment roll therefor.

7. The Corporation shall join with the Commission in any application that it may be deemed advisable to make to the Legislature of Ontario for legislation confirming this agreement or any part of it or giving effect to the intention of the parties.

In witness whereof the parties have hereunto set their Corporate Seals by their duly authorized officers.

Signed, sealed and delivered in the presence of	}	"W. E. FEATHERSTONE,"	
"M. C. IRVINE."		"WM. E. M. CRAWLEY,"	<i>Mayor.</i>
			<i>Clerk.</i>

SCHEDULE "D."

COPY OF RESOLUTION PASSED BY THE COUNCIL OF THE TOWNSHIP OF TRAFALGAR.

TRAFALGAR P.O., August 16th, 1915.

That authority be and is hereby given to the Commission of the Police Village of Bronte to enter into an agreement with the Toronto-Hamilton Highway Commission, for such local improvements as may be necessary on said highway in said Village, Trafalgar Municipality to guarantee the cost. Carried.

COPY OF RESOLUTION PASSED BY THE COUNCIL OF THE TOWNSHIP OF TRAFALGAR.

TRAFALGAR P.O., Nov. 15th, 1915.

Wallbrook-Turner.

That the Clerk be and is hereby instructed to attach the Corporate Seal to Resolution passed by Council on August 16, 1915, granting privilege to the Commission of the Police Village of Bronte to enter into negotiation with the Toronto-Hamilton Highway Commission for construction of work to the extent of \$1,051.00. Carried.

This agreement made in duplicate this fourteenth day of October, 1915.

Between:

The Toronto and Hamilton Highway Commission (hereinafter called the "Commission"), of the first part;

and

The Trustees of the Police Village of Bronte, in the Township of Trafalgar, in the County of Halton (hereinafter called the "Trustees"), of the second part.

Whereas the Commission has settled upon the specifications according to which its highway is to be constructed, which provide amongst other things, that the highway shall be eighteen feet of concrete with a three-feet gravel or macadam shoulder on each side and open ditching on each side;

And whereas the Commission has commenced the construction of its highway through the Police Village of Bronte in the said Town-

ship of Trafalgar, and in carrying on the said work it has been necessary for the Commission to take up and remove or destroy certain drains between East Street and West Street and certain sidewalks between Trafalgar Street and Mississauga Street within the limits of the said Police Village;

And whereas the Trustees desire that the said sidewalks and drains should be replaced by the Commission with the cement walks and covered tile drains mentioned in, and constructed according to the specifications set forth in Schedule "A" herein annexed;

And whereas it has been agreed that the Commission shall construct the said sidewalks and drains mentioned in Schedule "A" hereto annexed in accordance with the said specifications and that the Trustees' share of the cost of the said work shall be the sum of one thousand and fifty-one dollars (\$1,051.00);

Now this agreement witnesseth:

1. The Commission shall construct the said sidewalk and drains in accordance with the specifications set forth in Schedule "A" hereto annexed.

2. Forthwith, upon the completion of the construction of the said sidewalks and drains, the Trustees shall pay to the Commission the said sum of one thousand and fifty-one dollars (\$1,051.00) in full satisfaction and payment of the Trustees' share of the cost thereof, such payment to be in addition to all other payments for which the trustees or the Township of Trafalgar shall be liable pursuant to the provisions of The Toronto and Hamilton Highway Commission Act.

3. The Commission agrees to furnish to the Trustees such full and accurate information as to the construction, measurements and cost of the said work as may be required by the Trustees for the purpose of preparing a special assessment roll therefor.

In witness whereof the parties hereto have hereunto set their corporate seals and hands of their proper officers respectively.

Signèd, sealed and delivered

in the presence of

"H. M. FLUMERFELT."

{	"W. H. CUDMORE,"	<i>Chairman.</i>
		(SEAL.)
	"LOUIS JOYCE,"	(SEAL.)
	"J. S. FLUMERFELT."	(SEAL.)

SPECIFICATIONS FOR SIDEWALKS FOR THE VILLAGE OF BRONTE.

The sidewalk as shown on the attached plan and as mentioned in the agreement between the Toronto and Hamilton Highway Commission and the Village of Bronte, is to be built according to the standard specifications for concrete sidewalks as on file in the office of the Clerk of the Village of Bronte.

SPECIFICATIONS FOR A TILE DRAIN SYSTEM IN THE VILLAGE OF BRONTE.

The tile drains to be built as shown on attached plan, and as referred to in the attached agreement are to be 6 inches and 12 inches in diameter, and placed at such a depth as shown by the engineers of The Toronto and Hamilton Highway Commission to grades as set by them, and are to be laid with open joints, and backfilled to the surface with gravel to be supplied by the Village of Bronte.

SCHEDULE "E."

This indenture made the 15th day of April, one thousand nine hundred and sixteen. In pursuance of the Short Forms of Conveyances Act.

Between:

William George Gooderham, of the City of Toronto, Esquire, hereinafter called the Grantor, of the first part;

Ella Gooderham, his wife, of the second part:

and

The Toronto and Hamilton Highway Commission, hereinafter called the Grantees, of the third part.

Whereas the lands hereinafter mentioned are required by the said Grantees for the purposes authorized by the Act 5 George the Fifth, Chapter 18 (Ontario) and have agreed with the said Grantor for the purchase thereof.

Now therefore this indenture witnesseth:

That in consideration of one dollar of lawful money of Canada now paid by the said Grantees to the said Grantor (the receipt whereof is hereby by him acknowledged) he the said Grantor doth grant unto the said Grantees in fee simple all that certain parcel of land situate in the Township of Toronto, in the County of Peel, containing two hundredths of an acre more or less composed of part of lot number thirty-two in the Fourth Concession south of Dundas Street, described as follows:

Commencing at a point where a stake has been planted in the south-easterly limit of the Lake Shore Road at a line between lots numbers 32 and 33; thence north 38 degrees and 6 minutes east along the said south-easterly limit of the Lake Shore Road five hundred and seventy-nine feet; thence south 37 degrees and 40 minutes west two hundred and seventeen feet and ten inches; thence south 37 degrees and 59 minutes west three hundred and sixty-one feet and six inches to the said line between lots numbers 32 and 33; thence north 44 degrees and 3 minutes west along the said line two feet and five and one-quarter inches more or less to the place of beginning.

To hold unto and to the use of the said Grantees, their successors and assigns. And for the consideration aforesaid the Grantor for himself, his heirs, executors, administrators and assigns hereby releases and discharges the Grantees, their successors and assigns from all claims and demands which the Grantor now has or which he or his heirs, executors, administrators or assigns might or could hereafter have against the Grantees, their successors or assigns by reason of or on account of the construction, maintenance and use of a highway upon the said lands with such works therefor and at such levels or grades as the Grantees, their successors and assigns may at any time think proper.

The said Grantor covenants with the said Grantees that he has the right to convey the said lands to the said Grantees notwithstanding any act of the said Grantor; And that the said Grantees shall have quiet possession of the said lands free from all incumbrances; And the said Grantor covenants with the said Grantees that he will execute such further assurances of the said lands as may be requisite; And the said Grantor covenants with the said Grantees

that he has done no act to incumber the said lands; And the said wife of the said Grantor hereby bars her dower in the said lands.

In witness whereof the said parties have hereunto set their hands and seals and Corporate Seal.

Signed, sealed and delivered
in the presence of

"W. G. GOODERHAM,"
"ELLA GOODERHAM."

"E. D. GOODERHAM."

"E. JOHNSON."

TORONTO AND HAMILTON HIGHWAY COMMISSION.

"GEO. H. GOODERHAM,"
Chairman.

"G. FRANK BEEB,"
Honorary Secretary.

County of York to Wit: I, Edward Douglas Gooderham, of the City of Toronto, in the County of York, make oath and say: Assistant Manager:

1. That I was personally present and did see the within instrument and a duplicate thereof duly signed, sealed and executed by William George Gooderham and Ella Gooderham, two of the parties thereto.

2. That the said instrument and duplicate were so executed by the said parties at the City of Toronto, in the County of York.

3. That I know the said parties, and that each of them is over the age of twenty-one years.

4. That I am a subscribing witness to the said instrument and duplicate.

Sworn before me at the City
of Toronto, in the County of
York, this 17th day of April
1916.

"G. E. McCANN,"
A Commissioner &c.

"E. D. GOODERHAM."

SCHEDULE "F."

This indenture made the 15th day of April, 1916.

Between:

The Toronto and Hamilton Highway Commission, hereinafter called the Grantors, of the first part;

and

William George Gooderham, of the City of Toronto, Esquire, hereinafter called the Grantee, of the second part.

Witnesseth that in consideration of the sum of one dollar of lawful money of Canada now paid by the said Grantee to the said Grantors (the receipt whereof is hereby acknowledged), the said Grantors do grant unto the said Grantee in fee simple: All that

certain parcel of land situate in the Township of Toronto, in the County of Peel, containing two hundredths of an acre more or less, composed of part of the allowance for road between the Third and Fourth Concessions south of Dundas Street described as follows:

Commencing in the northwesterly limit of the Lake Shore Road at the line between lots numbers 32 and 33; thence south 51 degrees and 44 minutes east two feet and five and one-quarter inches; thence north 37 degrees and 59 minutes east three hundred and seventy-one feet and eight and a half inches; thence north 37 degrees and 40 minutes east two hundred and seventeen feet and ten inches to the said northwesterly limit of the Lake Shore Road; thence south 38 degrees and 6 minutes west along the last mentioned limit five hundred and eighty-nine feet and six and a half inches more or less to the place of beginning.

To hold unto and to the use of the said Grantee, his heirs and assigns forever.

It is declared and agreed that nothing herein contained shall be construed to imply any covenant on the part of the said Grantors or any representation on the part of the said Grantors that they have the right to convey the said lands to the said Grantee.

In witness whereof the said parties hereto have hereunto set their Corporate Seal and hand and seals.

Sealed and delivered and countersigned by

In the presence of

"E. JOHNSON."

TORONTO AND HAMILTON HIGHWAY COMMISSION.

"GEO. H. GOODERHAM,"
Chairman.

"G. FRANK BEER,"
Honorary Secretary.

Signed, sealed and delivered in the presence of	}	"W. G. GOODERHAM."
"E. D. GOODERHAM."		

No. 174.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act to amend The Toronto and Hamilton Highway Commission Act.

1st Reading, 17th April, 1916.
2nd Reading, 18th April, 1916.

*(Reprinted as amended by Select
Committee.)*

Mr. MACDIARMID.

TORONTO:
PRINTED BY A. T. WILGESS,
Printer to the King's Most Excellent Majesty.

BILL

An Act to amend The Ontario Companies Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Ontario Companies Amendment Act, 1916*.

2. Clause *b* in subsection 1 of section 16 of *The Ontario Companies Act* is amended by adding at the end thereof the words "where such amount is specified in the Letters Patent or Supplementary Letters Patent of the corporation." Rev. Stat. c. 178, s. 16, subs. 1, amended. Redivision of shares.

3. Section 34 of *The Ontario Companies Act* is amended by adding the following subsection thereto:— Rev. Stat. c. 178, s. 34, amended.

(5) If any person or persons trade or carry on business under any name or title of which "Limited" is the last word, that person or those persons shall, unless duly incorporated with limited liability, be liable to a fine not exceeding \$10 for every day upon which that name or title has been used. Penalty for using word "limited" without authority.

4. Subsection 2 of section 80 of *The Ontario Companies Act* is amended by striking out the word "or" in the fourth line thereof and by adding after the words "Supplementary Letters Patent" the words "or any prior by-law." Rev. Stat. c. 178, s. 80, subs. 2, amended. Confirmation by Letters Patent.

5. Section 83 of *The Ontario Companies Act* is amended by striking out the word "Two" in the fifth line thereof and inserting in lieu thereof the word "Six." Rev. Stat. c. 178, s. 83, amended. Time for holding election of directors.

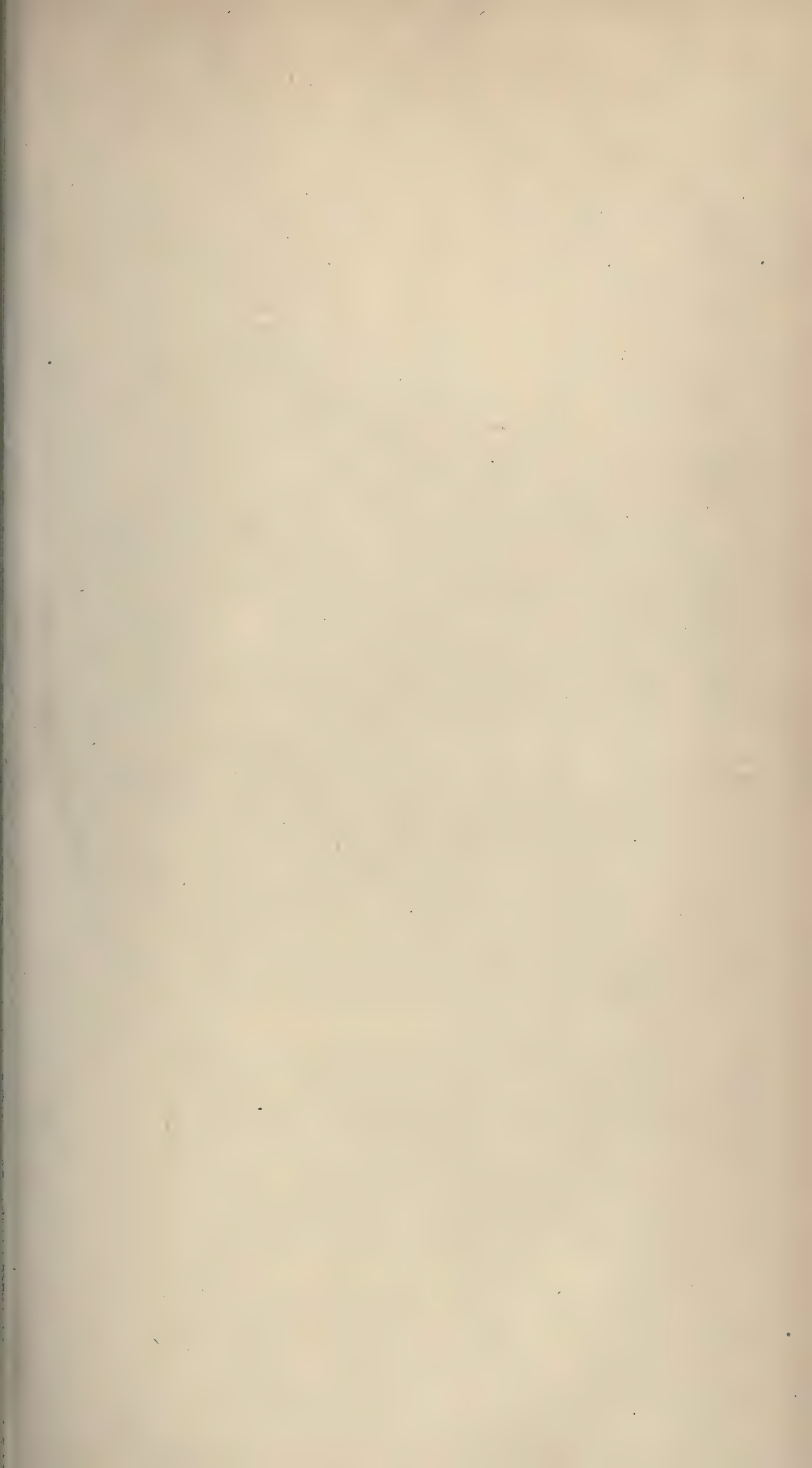
Rev. Stat.
c. 178,
amended.

6. *The Ontario Companies Act* is amended by adding as section 210, the following:—

General
corporate
powers of
certain
companies.

210. Every Corporation or Company heretofore or hereafter created,

- (a) By or under any special or general Act of the Parliament of the late Province of Upper Canada;
- (b) By or under any special or general Act of the Parliament of the late Province of Canada, which has its head office and carries on business in Ontario, and which was incorporated with objects or purposes to which the authority of this Legislature extends;
- (c) By or under any of the Acts repealed by *The Ontario Companies Act, 1907*, or under any Act for which any of such repealed Acts was substituted or to which any of such Acts was applicable;
- (d) By or under a Special Act to which any of the provisions of *The Ontario Joint Stock Companies General Clauses Act* or any Act for which that was substituted was applicable.



No. 175.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act to amend The Ontario Companies
Act.

1st Reading, 17th April, 1916.

Mr. HANNA.

TORONTO:
PRINTED BY A. T. WIGGESS,
Printer to the King's Most Excellent Majesty.

BILL

The Municipal Amendment Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Municipal Amendment Act, 1916*.

2. Subsection 7 of section 46 of the said Act is amended by adding the following words thereto: "In the event of a new division into wards of the said city under the provisions of this Act, this subsection shall become inoperative." Rev. Stat. c. 192, s. 46, subss. 7, amended.

3. Section 254 of *The Municipal Act* is amended by adding the following subsection:— Rev. Stat. c. 192, s. 254, amended.

(2) This section shall not prevent the Council under the powers conferred by paragraph 1 of section 420 from limiting the number of licenses and the number of tables to such number as the Council may deem fit even if the number be limited to one, and this subsection shall have effect as if it had been passed on the 13th day of April, 1909. Limiting number of pool and billiard tables and licenses.

4. Clause (c) of subsection 2 of section 289 of *The Municipal Act* as amended by section 18 of *The Municipal Amendment Act, 1915*, is repealed, and the following substituted therefor:— Rev. Stat. c. 192, s. 289 (2) cl. (c), repealed.

(c) By the council of a county, or of a city which forms part of a county for judicial purposes, for raising money for erecting, rebuilding, enlarging, furnishing and equipping court house and offices to be used in connection therewith, a gaol, a gaoler's residence and a registry office, and for acquiring such land and buildings as may be necessary or convenient for such purposes. This clause shall be deemed to have been in force from the first day of July, 1913. Assent of electors not required for borrowing money for certain purposes.

Rev. Stat.
c. 192,
para. 43,
amended.

5. Paragraph 43 of section 400 of *The Municipal Act* is amended by adding thereto the following as clause (b):—

Sewer
rents a
charge on
land.

(b) All sewer rents shall form a lien and charge upon the real estate upon or in respect of which the same have been assessed and rated or charged and shall be collected in the same manner and with the like remedies as ordinary taxes on real estate are collected under the provisions of *The Assessment Act*.

Rev. Stat.
c. 195.

6. Section 400 of the said Act is amended by adding thereto the following as paragraph 52:—

Rev. Stat.
c. 192,
s. 400,
amended.

WATER TANKS AND TOWERS.

Water
tanks and
towers.

52. For regulating the construction, erection, alteration or repairing of water tanks and water towers whether on buildings or elsewhere, and for prohibiting the construction, erection, altering or repairing of same contrary to such regulations.

Rev. Stat.
c. 192,
s. 406,
amended.

7. Section 406 of the said Act is amended by inserting the following therein as paragraph 9a:—

Licensing
and regu-
lating mas-
sagists, etc.

9a. For licensing, regulating and governing massagists and for inspecting and regulating massage parlours, and such by-laws may provide for the enforcement thereof through the Medical Health Department or Police Department of the city or town.

Rev. Stat.
c. 192,
s. 409,
amended.

8. Section 409 of *The Municipal Act* is amended by adding the following thereto as paragraph 2a.

Regulating
location of.

2a. Paragraph 2 of this section shall also apply to private hospitals, public dance halls and undertakers' establishments, and for the purpose of this paragraph, any hall, room, or building in which dancing is carried on for which a fee is charged or to which any admission fee is demanded or paid, shall be deemed a public dance hall, but this paragraph shall not apply to a building which was on the 1st day of May, 1916, erected or used for any of such purposes so long as it is used as it was used on that day.

5 Geo. V.,
c. 34, s. 29,
amended.

9. Section 411a of *The Municipal Act* as enacted by section 29 of *The Municipal Amendment Act, 1915*, is amended by adding the following as paragraph 2:—

(2) For exercising the powers conferred on cities and towns by paragraphs 5 and 6 of section 406.

No. 176.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

The Municipal Amendment Act, 1916.

1st Reading, April 18th, 1916.

Mr. HANNA.

TORONTO:
PRINTED BY A. T. WILKINSON,
Printer to the King's Most Excellent Majesty.

BILL

The Assessment Amendment Act, 1916.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Assessment Amendment Act, 1916.* Rev. Stat. c. 195, s. 5, amended.

2. Section 5 of *The Assessment Act* is amended by adding the following as paragraph 12a:—

12a. Land acquired by any society or association by reason of its being the site of any battle fought in any war, and maintained, preserved and kept open to the public in order to promote the spirit of patriotism.

3. Subsection 3 of section 22 of *The Assessment Act* is amended by adding the following as column 3a:— Rev. Stat. c. 195, s. 22, subs. 3, amended.

Statement whether the person is a British subject or an alien by inserting opposite his name the letters "B.S." or "A." as the case may be.

4. Section 58 of *The Assessment Act* is amended by striking out the words "City or Town," wherever the same occur in the said section, and inserting in lieu thereof the words "City, Town or Village," and by inserting after the word "section" in the fourth line thereof the figures and word "17 or". Rev. Stat. c. 195, s. 58, amended.

5. Section 69 of *The Assessment Act* is amended by adding the following as subsection 3a:— Rev. Stat. c. 195, s. 69, amended.

(3a) In the case of a town, village or township the Court of Revision shall receive as evidence of temporary absence to be received by Court of Revision as evidence an application to have the name of any person entered on the roll who is temporarily absent.

from the municipality an affidavit in form similar to the second Form of Affidavit set out in Form 3 (the necessary changes being made by the use of the third person instead of the first person) of some other person who has and deposes that he has personal knowledge of the matter set forth in the affidavit, if the affidavit is made not earlier than the 10th day next preceding the last day for making complaints to the Court of Revision and is delivered to the clerk before the time for making complaints has expired.

Rev. Stat.
c. 195, s. 81,
repealed.

6. Section 81 of *The Assessment Act* is hereby repealed and the following substituted therefor:—

Appeals to
Divisional
Court in
certain
matters.

81.—(1) An appeal shall lie to a Divisional Court as hereinafter provided from the judgment of the judge on a question of law or the construction of a statute, a municipal by-law, any agreement in writing to which the municipality concerned is a party, or any order of the Municipal Board (except an order made under section 80).

Noting of
question
of law or
construction
by
County
Judge.

(2) Any party desiring so to appeal to a Divisional Court shall on the hearing of the appeal by the judge request the judge to make a note of any such question of law or construction; and to state the same in the form of a special case for a Divisional Court.

Stating
of special
case by
County
Judge.

(3) It shall be the duty of the judge to make a note of such request, and he may thereupon state such question in the form of a special case, setting out the facts in evidence relative thereto, and his decision of the same, as well as his decision of the whole matter.

Transmit-
ting special
case to
Divisional
Court.

(4) A copy of such special case, signed by the judge, shall be transmitted to the Divisional Court, and the practice and procedure on the appeal shall be the same, *mutatis mutandis* as upon an appeal from a County Court.

Direction by
Divisional
Court to
County
Judge
to state
special
case.

(5) On the application of any party desiring to appeal, and on such notice to the other party and on such evidence as may seem proper to a Divisional Court, that court may if it sees fit direct the county judge to state a special case as in subsection (3) if the judge on the hearing before him refused to do so.

- (6) The statement of any such case, or the hearing or argument or other proceeding thereon shall not delay the final revision of the assessment roll or other proceedings thereon; but if by the judgment of the Divisional Court upon the case stated it shall appear that any alteration should be made in the assessment roll respecting the assessment in question, the county judge on being certified thereof shall cause the proper entries to be made in the assessment roll to give effect to such judgment. Statement of case not to affect rolls being prepared.
- (7) Where an appeal lies from the decision of the judge to the Municipal Board under section 80 the judge shall not state a case under this section, unless all the parties consent and request him to do so and if a case is so stated an appeal shall not lie to the Municipal Board under section 80. Statement of case where appeal lies to Municipal Board.
- (2) Subsection 6 of section 80 of *The Assessment Act* is amended by striking out the words "but such appeal shall not lie unless leave to appeal is given by the said Court upon application of any party and upon hearing the parties and the Board" and substituting after the word "law" in the third line the words "or the construction of a statute, a municipal by-law, any agreement in writing to which the municipality concerned is a party, or any order of The Municipal Board". Rev. Stat. c. 195, s. 80, subs. 6, amended.
- 7.—(1) Subsection 2 of section 154 of *The Assessment Act* is amended by adding at the end thereof the words "or the 15 per cent. and the amount of the charges for searches, postage and notice provided for in subsection 2 of section 171". Rev. Stat. c. 195, s. 154, subs. 3, amended.
- (2) Section 170 of the said Act is amended by striking out the words "for the use and benefit of the purchaser or his legal representatives" in the sixth and seventh lines. Rev. Stat. c. 195, s. 170, amended.
- (3) Subsection 2 of section 171 of the said Act is amended by adding at the beginning thereof the words "subject to the provisions of subsections 2 and 3 of section 154". Rev. Stat. c. 195, s. 171, subs. 2, amended.
- (4) Subsection 5 of section 171 of the said Act is repealed. Rev. Stat. c. 195, s. 171, subs. 5, repealed.
- (5) The said Act is amended by adding the following section as 172a:—

172a.—(1) Out of the redemption money the treasurer shall pay to the purchaser (not being the municipality) or his assigns or other legal representatives the sum paid by him together with 10 per cent. in the case provided for by section 170, and the sum paid by him together with 15 per cent. in the case provided by section 171, and the balance less the lawful costs, charges and expenses of the treasurer shall belong to the municipality.

(2) Where the municipality is the purchaser the whole of the redemption money shall belong to it less the lawful costs, charges and expenses of the treasurer.

Rev. Stat.
c. 195, s. 19,
amended.

8. Section 192 of *The Assessment Act*, as amended by section 9 of *The Assessment Amendment Act, 1915*, is further amended by inserting between the words "Crowland" and "in" in the seventh line thereof the words "and the Township of Stamford."

Rev. Stat.
c. 195,
s. 194, (2),
amended.

9.—(1) Subsection 2 of section 194 of *The Assessment Act* is amended by adding after the words "Parry Sound" in the second line the words "except lands situate in a city or town in such districts."

Rev. Stat.
c. 195,
s. 194,
amended.

(2) The said section 194 is further amended by adding the following as subsection 2a:—

Manage-
ment of
collection
of arrears
of taxes.

(2a) To remove doubts it is declared that the municipal officers of a town situate in the District of Muskoka or Parry Sound have and have since the 23rd day of March, 1889, had the same powers as are conferred by section 191 of this Act on the officers of a town situate in a county.

No. 177.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

The Assessment Amendment Act, 1916.

1st Reading, April 18th, 1916.

Mr. HANNA.

TORONTO:
PRINTED BY A. T. WHIGGESS,
Printer to the King's Most Excellent Majesty.

BILL

An Act to amend The Hospitals for the Insane Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subsection B of section 2 of *The Hospitals for the Insane Act* is amended by inserting after the word "persons" in the second line thereof, the words "and alcoholic and drug habituates." Rev. Stat. c. 295, s. 2, cl. (b), amended.

2. *The Hospitals for the Insane Act* is amended by adding thereto the following sections:— Rev. Stat. c. 295, amended.

ADMISSION OF ALCOHOLIC HABITUATES.

50. The Superintendent of the Hospital may receive and detain therein as a patient, any alcoholic habituate for care and treatment who voluntarily makes written application in Form 9 provided that at the time of his admission he is capable of appreciating the fact that he is to be admitted as a voluntary patient. Voluntary patients, how admitted.

51. Such alcoholic habituate may be detained in the Hospital for a period of one year, and no longer, and it shall be a condition of his admission to the Hospital that he shall remain therein such length of time, not exceeding one year, as, in the opinion of the Superintendent is required; and before admission is awarded he shall sign a pledge agreeing and consenting to such specified condition, and to faithfully conform himself to all the rules and regulations of the Hospital while an inmate of the same. Time of detention in hospital.

52. The Superintendent shall have full authority to discharge at any time from the Hospital any Authority of Superintendent to discharge patients.

person who has been awarded admission to it by his own voluntary application for the following causes, viz.:—

- (1) That such person is cured.
- (2) That such person is incurable and incapable of being benefited by the treatment and discipline of the said Hospital.
- (3) That such person who, being able to pay for maintenance and support therein, or that any other person who has become security for maintenance and support has failed to pay therefor.
- (4) Such person who has been guilty of vicious conduct prejudicial to the good order and discipline of the Hospital.

Commit-
ment of
habituate
drunkards.

53. On petition verified by oath, presented to a Judge-in-Chambers of the county or district court of the county or district in which the alleged alcoholic habituate resides, or to a Magistrate of such county, by any relatives, whether by blood or affinity, or, if he has no relatives in Ontario by any friend of the alleged alcoholic habituate or by the family medical attendant setting forth that the alleged habituate is a bona fide resident of Ontario, and is so given over to drunkenness as to render him unable to control himself, and is incapable of managing his affairs, or that by reason of such drunkenness he either squanders or mismanages his property, or places his family in danger or distress, or transacts his business prejudicially to the interest of his family or his creditors, or that he uses intoxicating liquors to such an extent as to render him dangerous to himself or others, or incurs the danger of ruining his health and shortening his life thereby, and praying that a hearing and examination of the matters and allegations set forth in the petition may be had, the Judge or Magistrate shall direct that a copy of the petition shall forthwith be served upon the alleged alcoholic habituate, and with such copy there shall be served an appointment signed by the Judge or Magistrate, appointing a time and place for the hearing of the matters and allegations contained in the petition, and such service shall be at least eight clear days before the time fixed for the hearing. *New.*

54. The Judge or Magistrate shall attend at the time and place named in the appointment, and then and there proceed to inquire into the matters and allegations set forth in the petition, but he may in his discretion adjourn the enquiry from time to time. Hearing the petition.
55. The Judge or Magistrate shall have the same powers as to summoning witnesses, enforcing their attendances and the production of documents as in proceedings in the county or district court, and each party may retain counsel to conduct the proceedings and to examine witnesses. Powers of Judge, or Magistrate.
- 56.—(1) If the Judge or Magistrate, upon such inquiry finds the person petitioned against to be an alcoholic habituate, and so given over to drunkenness as to render him unable to control himself and incapable of managing his affairs, or that on that account he squanders or mismanages his property; or places his family in danger or distress, or transacts his business prejudicially to the interest of his family or his creditors; or that he uses intoxicating liquors to such an extent as to render him dangerous to himself or others; or incurs the danger of ruining his health or shortening his life, the Judge or Magistrate shall forthwith report the fact to the Inspector of Prisons and Public Charities and with the report shall transmit the evidence taken accompanied by a written statement of the result of his inquiries as to the financial condition of such alcoholic habituate, and the person or persons legally liable for his maintenance and giving the present address of such alcoholic habituate and the name and address of the person in whose custody he is, and the names and addresses of such persons (if any) dependent upon him for support. Order for admission and detention.
- (2) For the purposes aforesaid, the Judge or Magistrate shall hear such evidence upon oath and may require that some person or persons who is or are acquainted with his family and previous habits may be had and for the purpose of ascertaining whether the said alcoholic habituate is possessed of any and what property, and where the same is situated, and also as to the number of persons, if any, dependent upon him for support. Hearing of evidence, inquiring among friends.

Inspector
of Prisons
and Public
Charities
may direct
removal to
hospital.

57.—(1) Upon the receipt of the report and evidence the Inspector of Prisons and Public Charities may by warrant direct the removal of the alcoholic habituate to an hospital to be placed under treatment and detained therein for a period not exceeding two years; nevertheless, the Inspector of Prisons and Public Charities may, upon the report of the Superintendent, at any time order discharge of the person so committed for any of the causes specified in subsections 1, 2 and 4 of section 53 of this Act.

Proceed-
ings pend-
ing removal
to an
hospital.

(2) The Judge or Magistrate may by his order, Form 3 direct that such alcoholic habituate be confined in some safe and comfortable place, or such other custody as the Judge or Magistrate deems fit until such time as he may be removed to an hospital, but in no case shall such alcoholic habituate be committed to any gaol, lock-up, prison or reformatory.

Costs of
proceed-
ings and
mainten-
ance of
patients.

58. Sections 21, 26, and sections 32 to 35 both inclusive of this Act shall apply mutatis mutandis to alcoholic habituates.

Drug
habituates.

59. All the provisions of this Act relating to alcoholic habituates shall extend mutatis mutandis to every person who is a drug habituate.

FORM 9.

(Section 50).

FORM OF APPLICATION FOR THE ADMISSION OF A VOLUNTARY PATIENT
TO THE HOSPITAL FOR THE INSANE AT

I, _____ of the _____
 of _____ in the County of _____
 being _____ request the Superintendent of the Hospital
 for the Insane at _____ to admit me as a Volun-
 tary Patient, and I hereby pledge myself to remain in the said
 Hospital at _____ for a period, not exceeding one year,
 which the said Superintendent may deem necessary to effect a
 permanent cure in my case; and I further pledge myself to submit
 to the rules and regulations of the said Hospital now in force
 or which may hereinafter be enacted and to carry out or assist
 in carrying out all the directions which the said Superintendent
 may give for my treatment, and also to conduct myself in such a
 manner as not to be guilty of any conduct prejudicial to the good
 order and discipline of the said Hospital.

Signed this _____ day of _____, A.D. 191____,
 at _____ in the County of _____, in the
 presence of _____

I hereby testify that the above-named person
 is as stated in the above application a _____ and
 that he is a reasonably hopeful subject for treatment with a view
 to effecting a cure of his malady.

M.D.

Dated at _____, A.D. 191____

No. 178.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act to amend The Hospitals for the
Insane Act.

1st Reading, April 18th, 1916.

Mr. HANNA.

TORONTO:
PRINTED BY A. T. WILGESS,
Printer to the King's Most Excellent Majesty.

BILL

An Act to amend The Children's Protection Act of Ontario.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Children's Protection Amendment Act, 1916*. Short title.

2. Clause *g* of subsection 1 of section 2 of *The Children's Protection Act of Ontario* is repealed and the following substituted therefor:—

Rev. Stat.
c. 231, s. 2,
subs. 1,
cl. *g*,
repealed.

(*g*) "Municipality" shall mean and include a county, a city, a town, having a population of not less than 1,500 in a territorial district, a town separated from the county for municipal purposes, and a provisional judicial district. "Municipality," meaning of.

3. Section 9 of *The Children's Protection Act of Ontario* is amended by inserting therein the following subsections:—

Rev. Stat.
c. 231, s. 9,
amended.

4a. The evidence of every witness shall be taken under oath, and the Judge shall cause the same to be taken down in writing, and signed by the witness in the same manner as upon a preliminary investigation before a Justice. Taking evidence on apprehension of child.

4b. The Judge shall not proceed to hear or dispose of the matter, until he is satisfied that the parents of the person, having the actual custody of the child (if he is in the custody of any person other than a parent), have been notified of the investigation, or that every reasonable effort has been made in the opinion of the Judge to cause them to be so notified. Notification of parents, guardians, etc.

Proceed-
ings to be
certified to
Superin-
tendent.

8a. A certified copy of the evidence taken, and of other proceedings under the hand and seal of the Judge, shall be transmitted to the superintendent with the certified copy of the order of the Judge.

Rev. Stat.
c. 231,
amended.

4. *The Children's Protection Act of Ontario* is amended by inserting therein the following section:—

When child
to be
deemed
Protestant
or Roman
Catholic.

28a.—(1) For the purpose of this Act, a child shall be deemed to be a Protestant child if its father is a Protestant, and a child shall be deemed to be a Roman Catholic child if its father is a Roman Catholic, unless it is shown that an agreement had been entered into in writing, signed by the parents, that the child should be brought up in the faith of its mother and that faith is not the faith of its father.

Illegitimate
child.

(2) The illegitimate child of a Protestant mother shall be deemed to be a Protestant child, and the illegitimate child of a Roman Catholic mother shall be deemed to be a Roman Catholic child.

No. 179.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act to amend The Children's Protection Act of Ontario.

1st Reading, 18th April, 1916.

Mr. HANNA.

TORONTO:
PRINTED BY A. T. WIGGESS,
Printer to the King's Most Excellent Majesty.

BILL

An Act to confirm an Agreement between the Electric Power Company, Limited, and His Majesty, the King.

WHEREAS the Electric Power Company is the owner of or controls the shares of the capital stock of the corporations named in the first recital of the agreement hereinafter mentioned; and whereas the said Electric Power Company, Limited, and the said Companies so controlled by it are the owners of or control, among other properties, assets, rights, contracts, licenses, privileges and franchises, a number of water powers and water privileges in the central portion of Ontario; and whereas it is desirable in the public interest that such water powers and privileges, and the development, transmission and distribution of electrical power or energy therefrom should be owned or controlled as public utilities; and whereas His Majesty, the King, represented therein by the Honourable George Howard Ferguson, Minister of Lands, Forests and Mines, has entered into a contract with the Electric Power Company, a copy of which is set out in Schedule "A" to this Act, providing for the purchase of all the assets and undertakings of every kind and nature whatsoever, of the Electric Power Company, Limited; and the said twenty-two companies mentioned in Schedule "A" to the said contract; and whereas it is expedient that the said contract should be confirmed, and the Government of Ontario should be empowered to complete the said purchase, and to deal with, manage and dispose of the property acquired under the said contract, or any part thereof;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Central Ontario Power Act, 1916*.

2. The agreement, dated the 10th day of March, 1916, between the Electric Power Company, Limited, and His Majesty the King, represented therein by the Honourable George Howard Ferguson, Minister of Lands, Forests and

Mines, which agreement is set out in Schedule "A" to this Act, is hereby confirmed and declared to be legal, valid and binding upon the parties thereto.

3. All and every part of the property, assets, rights, contracts, privileges, licenses, franchises, undertakings and businesses dealt with or purporting to be dealt with, or agreed to be purchased or sold under the terms of the said contract set out in Schedule "A" are hereby vested in His Majesty the King, as representing the Province of Ontario, free from all liens, charges and encumbrances, save as provided in the said contract of purchase.

4. The Lieutenant-Governor-in-Council is hereby authorized and empowered to do all and every act, matter and thing requisite or necessary, or deemed advisable to be done in order to complete and carry out the said contract, and all and every proviso and stipulation therein contained purporting to be made by or on behalf of His Majesty the King.

5.—(1) The Treasurer of Ontario is authorized to issue debentures of the Province of Ontario to the amount of \$8,350,000, payable at the office of the Treasurer of Ontario, Toronto, Canada, or the agency of the Bank of Montreal in the City of New York, United States of America, or at the agency of the said bank in the City of London, England, at the holder's option in debentures of \$1,000 each, bearing date the first day of March, 1916, and payable in gold coin on the first day of March, A.D. 1926, and with coupons to be attached for payment of interest at the rate of 4 per cent. per annum, payable in gold coin half-yearly at the office of the Treasurer of Ontario, Toronto, Canada, or at the agency of the Bank of Montreal in the City of New York, United States of America, or at the agency of the said bank in the City of London, England, at the option of the holder of the debentures, on the first day of March and the first day of September in each year until the principal falls due.

(2) The Treasurer of Ontario is authorized at the request of the holders of the said debentures from time to time, or any of them, to have the same registered in the office of the Treasurer of Ontario.

(3) The said debentures, upon their issue, shall be delivered to the Electric Power Company, Limited, in full discharge of the purchase money agreed to be paid by the Crown under the contract of Purchase Schedule "A" to this Act, and neither His Majesty, or the Treasurer of Ontario, or any member of the Government of Ontario shall be bound to see to the application of the said debentures or of the proceeds thereof.

(4) The said debentures, and the interest thereon, shall be a charge upon, and shall be payable out of the Consolidated Revenue Fund of Ontario.

6. The Lieutenant-Governor in Council may at any time, or from time to time by Order-in-Council vested in any commission, municipal corporation, municipal commission, company, corporation, firm or individual, the ownership or control, or power of administration and management of all or any of the undertakings, properties, rights, contracts, licenses, privileges, franchises and businesses of all or any of the twenty-two companies named in the first recital in the said agreement to such extent, and in such manner and for such purposes, for such periods and on such terms and conditions and for such estate as such Order-in-Council may provide, and thereupon such commission, municipal corporation, municipal commission, company, corporation, firm or individual shall be clothed with and have, hold, exercise, enforce and enjoy all the rights, powers and privileges in respect of such undertakings, properties, rights, contracts, licenses, privileges, franchises and businesses as shall be granted by such order-in-council and subject to any limitations or restriction in such order-in-council shall have, hold, exercise, enforce and enjoy in respect of such undertakings, properties, rights, contracts, licenses, privileges, franchises and businesses all the rights, powers and privileges which the company, whose undertakings, properties, rights, contracts, licenses, privileges, franchises and businesses is or are vested as aforesaid, had therein before the passing of the Act.

7. Until the Lieutenant-Governor-in-Council shall in manner herein provided otherwise direct, the said undertakings, properties, rights, contracts, licenses, privileges, franchises and businesses, and every part thereof shall be under the management and control of some person nominated by the Lieutenant-Governor in Council, who shall control, manage and administer the same for the benefit of His Majesty, either in the name of His Majesty, or in the name of the company now owning, controlling, or administering the same, and such person shall have, hold, exercise, enjoy and enforce all rights, powers and privileges in respect of the management, control or administration of the same as shall be granted or conferred by such order-in-council and subject to any limitations and restrictions contained in such order-in-council shall have, hold, enjoy, exercise and enforce all the rights, powers and privileges in respect of the property under his control, which such company or companies had before the passing of this Act.

8. A copy of this Act shall be deposited, copied and registered in the General Register of every Registry Office and

Land Titles Office in which is registered or recorded the title to any lands affected by the terms of this Act, and every Registrar of Deeds, or Master of Titles as the case may be, shall, upon the request of the solicitors for the Crown, enter in the abstract index of each parcel or tract of land, the title to which is in any way affected by this Act, a note, entry or memorandum showing that the title thereto has been changed or affected by this Act, and referring to the date and registration number in the General Index where this Act has been recorded or registered as aforesaid.

SCHEDULE "A."

AGREEMENT made this tenth day of March, 1916,

Between:

THE ELECTRIC POWER COMPANY, LIMITED,

hereinafter called the vendor,

Of the first part,

—and—

HIS MAJESTY THE KING, herein represented by the Honourable George Howard Ferguson, Minister of Lands, Forests and Mines,

hereinafter called the purchaser,

Of the second part.

WHEREAS the vendor owns or controls the capital stock of the following companies carrying on business in the Province of Ontario, that is to say:

1. Auburn Power Company, Limited.
2. Central Ontario Power Company, Limited.
3. City Gas Company of Oshawa, Limited.
4. Cobourg Utilities Corporation, Limited.
5. Cobourg Water and Electric Company.
6. Cobourg Gas, Light and Water Company.
7. Eastern Power Company, Limited.
8. Light, Heat and Power Company of Lindsay.
9. Napanee Gas Company, Limited.
10. Napanee Water and Electric Company.
11. Nipissing Power Company, Limited.
12. Northumberland Pulp Company, Limited.
13. Oshawa Electric Light Company.
14. Otonabee Power Company, Limited.
15. North Bay Light, Heat and Power Company.
16. Peterborough Light and Power Company, Limited.
17. Peterborough Radial Railway Company.
18. Port Hope Electric Light and Power Company.
19. Seymour Power and Electric Company, Limited.
20. Sidney Electric Power Company, Limited.
21. Trenton Electric and Water Company, Limited.
22. Tweed Electric Light and Power Company, Limited.

And whereas the vendor has agreed to sell, and the purchaser has agreed to purchase, all the assets and undertakings of the said companies of every kind and nature, excepting such assets as are hereinafter specifically excepted, for the considerations hereinafter mentioned.

Now this agreement witnesseth as follows:

1. The vendor shall sell, and the purchaser shall purchase, as they existed on the first day of March, 1916, all the assets and under-

takings of every kind and nature whatsoever of the vendor and of the said companies as follows:

1. All freehold and leasehold lands, tenements and hereditaments of the said company.
2. All plant, machinery, furniture, licenses, franchises, stock-in-trade, stores and all other chattels to which the said companies or any of them are or is entitled in connection with the businesses carried on by them respectively.
3. All pending contracts and engagements of the said companies or any of them in connection with any business so carried on.
4. All other property to which the said companies or any of them are or is entitled except, however, all cash and all bills and notes and all book and other debts due to the vendor or any of the said companies.

2. The consideration for the sale shall be the sum of Eight Million Three Hundred and Fifty Thousand dollars (\$8,350,000), which shall be paid and satisfied by the issue and delivery to the vendor of Ontario Government Debentures bearing date March 1st, 1916, and payable March 1st, 1926, and bearing interest at the rate of four per cent., payable half-yearly in Toronto, New York and London.

3. The assets and undertakings are sold free of all encumbrances, but as regards leaseholds subject to all the rents and covenants contained in any leases or agreements for leases under which the same are held, all of which are known to the purchaser. The vendor undertakes to pay and discharge all existing debts and liabilities of the said Companies.

4. The purchaser agrees to assume all contracts and engagements of the Vendor or any of the said Companies and to indemnify them against any claims in respect thereof, which arise hereafter.

5. The purchaser accepts the title of the vendor and the said Companies to all the said premises; it being understood that the purchaser shall obtain at his own expense the requisite consents for the assignments of any leaseholds.

6. From and after the First day of March, 1916, the vendor and the said Companies shall carry on the respective businesses and maintain the same as going concerns, but they shall from the said date be deemed to be carrying on such businesses on behalf of the purchaser, and shall account and be entitled to be indemnified accordingly, and all income and receipts shall be adjusted and divided as of the first day of March, 1916.

Should any difference arise as to said adjustments these shall be referred to G. T. Clarkson, Esquire, of Toronto, as an Expert and not as an arbitrator, and his decision shall be final and binding on the parties.

7. Taxes and rents and insurance shall be adjusted as of the first day of March, 1916.

The purchase shall be completed before the first day of May, 1916.

In Witness whereof the parties have executed this agreement the day and year above mentioned.

(Sgd.) THE ELECTRIC POWER COMPANY LIMITED
STRACHAN JOHNSTON

President,

(Sgd.) SAMUEL D. FOWLER

Asst. Sec'y.

(Seal of Co.)

(Sgd.) G. H. FERGUSON,

Minister Lands Forests & Mines.

Witness: (Sgd.) C. C. Hele.

No. 180.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act to confirm an Agreement between
the Electric Power Company, Limited,
and His Majesty the King.

1st Reading, 19th April, 1916.

Mr. FERGUSON (Opp.).

TORONTO:
PRINTED BY A. T. WILGESS,
Printer to the King's Most Excellent Majesty.

BILL

An Act respecting the Superannuation of Certain Teachers and Inspectors.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The School Teachers' and Inspectors' Superannuation Act*. Short title.

2. In this Act, Interpretation.

- (a) "Board" shall mean and include board of public school trustees, board of separate school trustees, high school board and board of education; "Board."
- (b) "Corporation" shall mean the corporation of a county or other municipality by which inspectors are employed. "Corporation."
- (c) "Employed" shall mean engaged as a teacher or teaching in a public school, separate school, continuation school, high school, collegiate institute, Provincial normal or model school, or a school to which *The Industrial Education Act* applies, or engaged as an inspector of any class of such schools. "Employed." Rev. Stat. c. 276.
- (d) "Fund" shall mean the Ontario Teachers' and Inspectors' Superannuation Fund. "Fund."
- (e) "Inspector" shall mean a person qualified according to the regulations of the Department of Education to inspect any of the schools mentioned in clause (c). "Inspector."
- (f) "Minister" shall mean the Minister of Education for Ontario. "Minister."

"Regulations,"
Rev. Stat.
c. 265.

(g) "Regulations" shall mean regulations made under
The Department of Education Act.

"Teacher."

(h) "Teacher" shall mean a person qualified according to the regulations of the Department of Education to teach in a public school, separate school, continuation school, high school or collegiate institute, Provincial normal or model school or a school to which *The Industrial Education Act* applies.

Rev. Stat.
c. 276.

Superannuation
fund for
inspectors
and
teachers.

3. There shall be a fund to be known as The Ontario Teachers' and Inspectors' Superannuation Fund, which shall consist of the contributions and payments to be made as hereinafter provided.

Contributors to
fund.
Inspectors
and
teachers.

4. In the school year commencing in the month of September, 1916, and thereafter every teacher and inspector employed in Ontario shall contribute to the fund in such manner as may be prescribed by the regulations, a sum equal to two and one-half per cent. of the total salary received by the teacher or inspector for the school year.

Grant from
Province.

5. The Treasurer of Ontario shall place to the credit of the said fund at such time as shall be prescribed by the regulations an annual sum equal to two and one-half per cent. of the total salaries paid to teachers and inspectors during the school year, and the same shall be chargeable to the Consolidated Revenue Fund.

Salary to
be estimated at
not less
than \$550.

6. If the salary of any teacher or inspector for any year is less than \$550, it shall be taken as being \$550 for the purposes of this Act.

Existing
local funds
to be
merged in
Provincial
fund.

7. The balance now at the credit of any fund heretofore set apart by any corporation or board as a superannuation fund shall, to the extent to which it represents provision made for the superannuation of teachers and inspectors before the day of 1916, be paid over to the Treasurer of Ontario to be placed to the credit of the fund and thereafter the corporation or board shall be relieved from any liability incurred before the day of , 1916, to any teacher or inspector with respect to the fund so set apart, and no superannuation allowance shall be granted or paid by the corporation or board out of such fund in respect to the retirement of any teacher or inspector since the day of , 1916.

Contributions to
be payable
monthly.

8.—(1) The contributions payable under section 4 shall be made in monthly payments in the manner prescribed by the regulations.

(2) The amount payable by a teacher or an inspector shall be deducted from his salary by the corporation or board by which he is employed and shall be payable by the corporation or board to the Treasurer of Ontario. Deduction of payments from salaries.

9. The contributions provided for in section 5 shall be credited monthly to the fund in the manner provided by the regulations. Monthly credit of contributions.

10. There shall be placed to the credit of the fund as interest thereon half-yearly a sum equal to two per cent. of the amount then at the credit of the fund, and the sum so payable shall be chargeable to the Consolidated Revenue Fund. Half-yearly credit of interest to Province.

11.—(1) Every teacher and every inspector who shall after the 1st day of January, 1917, furnish to the Minister evidence that he was employed during the school year commencing in the month of September, 1915, and had been employed for at least forty years and had ceased to be employed and upon producing such proof of age, length of employment and such other evidence as may be required by the regulations shall be entitled to an annual allowance to be chargeable against the fund and paid out of the Consolidated Revenue Fund during his lifetime equal to one-sixtieth of his average salary during the last ten years during which he was employed, multiplied by the number of full years during which he was employed, and all payments so made shall be debited to the fund, but Annual allowance on retirement after forty years' service.

- (a) The years during which he has contributed to the fund shall count as full years of employment;
- (b) The years of employment completed prior to such contribution shall count each as a half year of employment;
- (c) contributions to any municipal or school board fund for the superannuation of teachers or inspectors which is paid over to the fund as provided by section 7 shall be considered as contributions to the fund;
- (d) If the amount of the annual payment to the teacher or inspector as above determined is less than \$365, the amount payable annually to the inspector or teacher shall be \$20 for each year of service, but not exceeding in the whole \$365;
- (e) If the amount of such annual payment as above computed is more than \$1,000, the amount of the annual payment shall be \$1,000;

- (f) Should a teacher or an inspector after retirement again become employed the allowance shall cease during the term of such employment, but may be resumed upon his again ceasing to be employed, and the period during which he has been so employed shall be allowed for in fixing the amount of his annual allowance or retirement.

Allowance
to be paid
monthly
and to be
apportion-
able.

- (2) The annual allowance to inspectors and teachers under this section shall be payable in monthly instalments and shall be apportionable to date of death.

Retirement
in case of
ill-health
after fifteen
years.

- (3) Every teacher or inspector who has been employed for at least fifteen years and was employed during the school year commencing in the month of September, 1915, and who produces after the 1st day of January, 1917, to the Minister a certificate of a legally qualified medical practitioner, verified by an official medical referee appointed by the Minister, that he is physically incapacitated from being employed, shall be entitled to the annual allowance provided by subsection 1, but any person receiving an allowance under this subsection may, upon the order of the Minister of Education, at any time be subjected to examination by a legally qualified medical practitioner appointed by the Minister, and if upon such examination it is certified to the Minister that such teacher or inspector is no longer incapable of employment as teacher or inspector the Minister may make an order that no further annual payment shall be made except as provided for by subsection 1.

Benefici-
aries
under
present
public
schools
superan-
nuation.

- 12.**—(1) Every teacher and inspector now in receipt of superannuation allowance payable under sections 106 to 108 of *The Public Schools Act* shall continue to receive such superannuation allowance as if this Act had not been passed but shall have no claim to the allowance provided for in section 11.

Contribu-
tors to
present
fund.

- (2) A teacher or an inspector who is at the time of the passing of this Act employed and is a contributor to the superannuation fund mentioned in said sections 106 to 108, subject to such conditions as may be imposed by the regulations, shall not be subject to this Act unless before the 1st day of September, 1916, he notifies the Minister by registered letter that he elects to become so subject, and if he so elects he shall thereafter have no claim against the Province in respect of any contributions made by him under *The Public Schools Act* before that date.

Rev. Stat.
c. 266.

Committee
on claims.

- 13.** No teacher or inspector shall be entitled to the annual allowance provided for by this Act until his claim to such

allowance has been approved by a committee appointed by the Minister and composed of an officer of the Department of Education representing the Department, one inspector, three teachers, one person representing the boards, and one person representing the corporations contributing to the fund.

14.—(1) A teacher or an inspector shall not be entitled to any return of the contributions made to the fund under this Act until after the expiry of ten years from the date of the passing of this Act, and no benefit other than the annual allowance provided for in section 11 shall be payable to any teacher or inspector during the said period.

Return of contributions not to be made for ten years.

(2) After the expiry of ten years from the date of commencement of this Act, if a teacher or inspector withdraws from the profession, such benefit may be granted to him out of the fund by way of return of his contributions thereto or otherwise as the Minister may certify to be possible as the result of actuarial examination of the fund and of the claims and prospective claims upon it.

Rights of contributors after ten years.

(3) Upon the death of a teacher or inspector, while engaged in the profession, his personal representatives shall be entitled to receive, out of *The Consolidated Revenue Fund*, a sum equal to the total amount contributed by him to the Fund during his life-time.

(4) A teacher or inspector, who shall, after the first day of January, 1917, furnish to the Minister evidence that he was employed during the school year, commencing in the month of September, 1915, and has been so employed for at least thirty years and has ceased to be employed and who produces such proof of age, length of employment, and other evidence as may be required by the Regulations, may be granted, out of the Fund such benefit as the Minister may certify to be payable as the result of an actuarial examination of the Fund and the claims and the prospective claims upon it.

15. The annual allowance payable to a teacher or an inspector under this Act shall not be subject to his debts, or be attached or taken in execution, and no assignment of any moneys payable or to become payable to a teacher or an inspector under this Act shall be valid or binding, but every sum so payable shall be payable directly to the teacher or inspector or to his personal representative.

Allowance not to be subject to attachment, etc., or assignment.

16. Regulations may be made by the Minister with the approval of the Lieutenant-Governor in Council as provided by *The Department of Education Act*:

Regulations.
Rev. Stat.
c. 268.

- (a) Respecting evidence to be furnished by teachers and inspectors claiming to be entitled to the annual allowance payable under this Act;
- (b) As to the conditions upon which the teachers or inspectors now employed and contributing to the superannuation fund provided for by *The Public Schools Act* may be entitled to receive an annual allowance as provided for by this Act.
- (c) Requiring any board or corporation to make returns as to the teachers and inspectors employed by the board or corporation;
- (d) Prescribing the date upon which payment is to be made on account of the fund to any teacher or inspector;
- (e) Prescribing the time and place at which the committee mentioned in section 13 of this Act shall meet and the procedure of the committee;
- (f) Providing for the withholding of any grant or other sum payable by the Province to a board or corporation in case of any default in making the payments or returns required by this Act or the regulations;
- (g) Generally for the better carrying on of the provisions of this Act.

No. 181.

2nd Session, 14th Legislature,
6 George V, 1916.

BL.

An Act respecting the Superannuation of
Certain Teachers and Inspectors.

1st Reading, April 20th, 1916.

Mr. PYNE.

TORONTO:
PRINTED BY A. T. WHIGGESS,
Printer to the King's Most Excellent Majesty.

BILL

An Act to Provide for the Construction of Township Roads by Local Assessment.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Township Roads Act*, Short title. 1916.

INTERPRETATION.

2. In this Act:

Interpreta-
tion.

- (a) "Board of Trustees" or "Board" shall mean ^{Board of Trustees.} board of trustees appointed under section 20 of ^{5 Geo. V., c. 17.} *The Ontario Highways Act*;
- (b) "Clerk" shall mean and include the clerk of a municipality, the secretary of a board of trustees or any officer or person authorized or required by the council or board to perform any duty under this Act, which is to be or may be performed by the clerk;
- (c) "Constructing" and "construction" shall include ^{"Constructing," "construction."} reconstructing and reconstruction, wholly or in part, when the lifetime of the road or pavement has expired;
- (d) "County Judge" shall mean the senior, junior or ^{"County judge."} acting judge of the county or district court of the county or district in which the initiating municipality is situate, but shall not include a deputy judge;
- (e) "Court of Revision" shall mean court of revision ^{"Court of Revision."} constituted under the provisions of *The Assessment Act* for the trial of complaints respecting assessments for highway improvement;

"Engineer."

- (f) "Engineer" shall include a member of the Canadian Society of Civil Engineers, an Ontario Land Surveyor, or any competent person authorized or employed by the council or commission to perform any duty which under this Act is to be or may be performed by an engineer;

"Initiating municipality."

- (g) "Initiating municipality" shall mean the municipality or board of trustees undertaking the construction of any highway to which this Act applies;

"Municipality."

- (h) "Municipality" shall include a county municipality;

- (i) "Corporation" shall mean the corporation of the municipality; or a board of trustees appointed under authority of *The Ontario Highways Act*;

"Owner."

- (j) "Owner" or "actual owner" shall include the executor or administrator of the owner's estate, the guardian of an infant owner, any person entitled to sell and convey the land, the agent or an owner under a general power of attorney or under the power of attorney empowering him to deal with lands, and a municipal corporation as regards lands under their jurisdiction.

Through what corporation work may be initiated.

3.—(1) Work under this Act may be initiated through a township or county council or through a board of trustees under *The Ontario Highways Act* with respect to roads controlled by such township, county corporation or board and may not be initiated by a city, town or village council.

County by-laws to be approved.

(2) Where work is initiated by a county council with respect to roads assumed or controlled by such corporation under *The Highway Improvement Act*, all by-laws with respect thereto shall be subject to the approval of the Minister of Public Works and Highways.

Cities, towns and villages may be assessed.

(3) Where work is initiated by a township or county corporation or board of trustees under this Act, a city, town or village corporation if benefited by the proposed work, shall be assessed for such benefit by the engineer.

PETITION FOR CONSTRUCTION.

Engineers' report to be obtained on petition.

4.—(1) Upon the petition of not less than two-thirds in number of the resident and non-resident persons, exclusive of

farmers' sons, not actual owners, as shown by last revised assessment roll at the time the position is received, to be the owners of the lands abutting upon any highway or highways as described in the petition, and representing at least one-half the value of the property liable to be specially assessed, the council may procure an engineer to make an examination and to prepare a report, plans, specifications and estimates of the proposed highway construction or improvement and to make an assessment of the lands to be benefited, stating as nearly as may be in his opinion, the portion of the cost of the work to be paid by every lot or portion of lot benefited.

(2) There shall be set out opposite to every signature to the petition for or against a work a description of the lot, of which the petitioner is the owner, by its number or such other description as will enable the clerk to identify it.

5. The petition shall be according to Form 1 or to the like Form of petition. effect.

6.—(1) The sufficiency of a petition for a work under Clerk to determine sufficiency of petition. sections 4 or 23 of this Act, shall be determined by the clerk, and his determination shall be evidenced by his certificate and when so evidenced shall be final and conclusive.

(2) A petition for the undertaking of a work shall be Petition lodged with clerk. lodged with the clerk, and shall be deemed to be presented to the council when it is so lodged.

7.—(1) The council of the corporation of a municipality Corporation may assume part of cost by by-law. may by by-law passed at any general or special meeting by a vote of three-quarters of all the members of the council provide that such part as to the council may seem proper, of the cost of every highway or of a specified highway, constructed under this Act, and which would otherwise be chargeable upon the land directly benefited by the work, shall be paid by the corporation.

(2) Such by-laws shall not be repealed except by a vote of Repeal of such by-law three-fourths of all the members of the council.

(3) The Court of Revision shall not have jurisdiction or Court of Revision not to alter proportion fixed by by-law. authority to review or to alter the proportions of the cost of the work which the lands to be specially assessed and the corporation are respectively to bear according to the provisions of the by-laws for undertaking the work.

(4) The council of any municipality or a board of trustees may receive and appropriate any monies contributed by pri-

vate citizens or private corporations for the improvement of a highway under this Act, and shall by resolution instruct the engineer with respect to the application of such funds in the schedule of assessment.

DUTIES OF THE ENGINEER.

Plans,
specifica-
tions and
estimates.

8. The engineer shall make plans, specifications and detailed estimates of the work to be constructed; he shall state the estimated lifetime of the work, and the period within which debentures issued for the work should be paid.

Schedule of
assessment.

9. The assessment upon any lands for any highway improvement may be shown by the engineer placing sums of money in a schedule opposite a description of the said lands but he need not insert the rate per acre or per foot frontage to be borne by the said lands, or other basis of assessment; but he shall in his report state the general bases upon which such assessment has been made.

Bridges
and
culverts
between
highway
and private
lands.

10. The engineer shall in his report and estimates provide for the construction or enlargement of bridges and culverts required to afford access from the lands of the owners to the travelled portion of the public highway and he shall include the cost of the construction or enlargement of such bridges and culverts in his assessments for the highway construction and they shall, for the purposes of construction and maintenance, be deemed part of the highway work.

Bridges and
culverts on
the high-
way.

11. The engineer shall in his report and estimates, if so specified by the petition aforesaid, provide for the construction, enlargement or other improvement of any bridge or bridges upon the public highway or portion thereof to be improved; and he shall in his assessment apportion the cost of such bridge or bridges between the road construction and the municipality or municipalities having jurisdiction over such public highway as to him may seem just.

Municipal
proportion.

12. The engineer in his assessment of the cost of any highway shall have regard to the provisions of any by-law of a municipality passed in accordance with section 7 of this Act.

Assessment
of whole
lot or sub-
division.

13. The engineer in assessing the lands to be benefited or otherwise liable for assessment under this Act, need not confine his assessment to the part of the lot actually affected as the case may be, if the owner of such part is also the owner of such lot or other subdivision.

14. Where part of a whole lot or of a subdivision or portion of a lot assessed by the engineer has been sold after the final revision of the assessment, the owner of the part so sold or the owner of the remaining portion of the lot or subdivision or portion of a lot so assessed, may give notice to the clerk of the municipality that he requires such assessment to be apportioned between the owners of the property so assessed and subdivided, and an engineer appointed by the council of the municipality shall thereupon make such apportionment in writing and the same shall be filed with the clerk and shall be by him attached to the original assessment and shall be binding on the lands assessed in the manner apportioned by the engineer, and the rate shall thereafter be levied and collected accordingly.

15. The following may be included in the cost of the work:—

- (a) Engineering expenses;
- (b) Cost of advertising and service of notices;
- (c) Interest on temporary loans;
- (d) Compensation for lands taken for the purposes of the work or injuriously affected by it and the expenses incurred by the corporation in connection with determining such compensation;
- (e) The estimated cost of the issue and sale of debentures and any discount allowed to the purchasers of them.

FILING REPORT.

16. The report of the engineer shall be filed with the clerk of the municipality within four months after the filing of the petition, or within such further time as the council may in their discretion from time to time appoint, and the council may adopt the report of the engineer if they see fit notwithstanding that such report is made after the four months herein fixed for making the same or after any extended period fixed by the council under this subsection.

17. In case the engineer neglects to make his report within the time limited by the preceding subsection, or within the time fixed by the council under that subsection, he shall forfeit all claim for compensation for the work done by him upon the road, and the council may employ some other engineer to make the examination, report and assessment required by the preceding section.

Neglect to
file report
in time
stated not
to make by-
law illegal.

18. A by-law passed by the council of any municipality for the construction of any highway under this Act on the report of the engineer shall not be quashed or declared void or illegal by reason only that the report of the engineer has not been filed within four months after the filing of the petition provided for in this Act or within the extended period provided for in section 15 of this Act.

Construc-
tion and
maintenance
by one or
more than
one munic-
ipality.

19. The engineer shall determine and report to the council of the municipality by which he shall be employed whether the highway shall be constructed and maintained solely at the expense of such municipality or at the expense of all the municipalities interested and in what proportions.

NOTICE TO PERSONS ASSESSED.

Clerk to
notify
parties
assessed.

20. The clerk of the municipality shall notify all parties assessed by mailing to the owner of every parcel of land so assessed, a circular or postal card upon which shall be stated the date of filing the report, the name or other general designation of the proposed work, its estimated cost, the owner's land and its assessment, and the date of the council meeting at which the report will be read and considered, which shall be not less than ten days after the mailing of the last of such circulars or postal cards, and the determination of the council as to the sufficiency of notice or otherwise shall be final and conclusive.

CONSIDERATION OF REPORT.

Proceedings
at meeting
of council
to consider
report.

21. The municipal council shall at the meeting mentioned in such notice, immediately after dealing with the minutes of its previous meeting, cause the report to be read by the clerk to all the ratepayers in attendance, and shall give an opportunity to any person who has signed the petition to withdraw from it by putting his withdrawal in writing, signing the same and filing it with the clerk, and shall also give those present who have not signed the petition an opportunity so to do.

Referring
report
back to
engineer
for recon-
sideration.

22. The council at any time before the final passing of the by-law, if it appears that there are or may be errors in the report or assessment of the engineer or that for any other reason the report or assessment should be reconsidered, may refer the report back to him for such reconsideration, and the engineer may thereupon revise his report and assessment and shall report to the council, and the report shall have the same effect and shall be dealt with in the same manner and the proceedings thereon shall be the same as upon the original report or assessment.

23. Should a petition at the close of such meeting of the council contain the names of not less than two-thirds of the persons shown as aforesaid to be owners benefited and assessed by the engineer, and representing not less than one-half of the property specially assessed, the council may proceed to adopt the report and pass a by-law authorizing the work, and no person having signed the petition shall, after the adoption of the report, be permitted to withdraw; but if after striking out the names of the persons withdrawing, the names remaining, including the names, if any, added as provided by section 21, do not represent a sufficient number of owners within the area described to comply with the provisions of this section, then the persons who have withdrawn from the petition shall on their respective assessments in the report, with one hundred per centum added thereto, together with the other original petitioners on their respective assessments in the report, be pro rata chargeable with and liable to the municipality for the expenses incurred by the municipality in connection with such petition and report, and the sum with which each of such owners is chargeable shall be entered upon the collector's roll for such municipality against the lands of the person liable, and shall be collected in the same manner as taxes placed on the roll for collection.

24. A by-law heretofore or hereafter passed shall not be deemed invalid or illegal by reason only that the petition therefor was not sufficiently signed if such petition was duly signed by not less than two-thirds in number of the resident and non-resident persons, exclusive of farmers' sons not actual owners, shown by the last revised assessment roll to be the owners of the lands included in the schedule of assessment.

BY-LAWS.

25. Should the council of the municipality in which the lands described in the petition lie, be of the opinion that the highway work proposed in the petition, or a portion thereof, would be desirable, the council may pass a by-law or by-laws:

- (a) For providing for the construction of the proposed highway or a portion thereof, as the case may be;
- (b) For borrowing on the credit of the municipality the funds necessary for the work, or the portion to be contributed by the initiating municipality when the same is to be constructed at the expense of two or more municipalities, and for issuing the debentures of the municipality to the requisite amount, including the costs of appeal,

if any, in sums of not less than \$50 each, and payable within ten years from date, with interest at a rate of not less than five per centum per annum;

Assessing
lands,
companies
and muni-
cipalities.

- (c) For assessing and levying, in the same manner as taxes are levied upon the lands, railway companies, private individuals, or municipalities, to be benefitted by the work and otherwise liable for assessment under this Act, a special rate sufficient for the payment of the principal and interest of the debentures, and for so assessing, levying and collecting the same as other taxes are assessed, levied and collected, in proportion as nearly as may be, to their respective liability to contribute;

Regulating
payment.

- (d) For regulating the times and manner in which the assessments shall be paid;

Determin-
ing lands
liable for
assessment.

- (e) For determining what lands will be benefitted by or otherwise rendered liable for assessment for the highway work, and the proportion in which the assessment should be made, subject in every case of complaint by the owner or any person interested in any lands or roads to appeal as hereinafter provided.

Form of
by-law.

26. The by-law shall, varying with the circumstances, be according to Form 2 or to the like effect.

PUBLICATION OF BY-LAW.

Publication
of by-law
and notice
of sitting of
Court of
Revision.

27.—(1) Before the final passing of the by-law, it shall be published once in every week for four consecutive weeks in a newspaper published in the municipality or in the county town, or in an adjoining or neighboring municipality, and designated by resolution of the council, with a notice of the time and place of holding the Court of Revision, and also a notice that any one intending to apply to have the by-law or any part thereof quashed, must, not later than ten days after the final passing thereof, serve a notice in writing upon the reeve or other head officer and the clerk of the municipality, of his intention to make application for that purpose to the county judge during the six weeks next after the final passing of the by-law.

Newspapers
to be sent
to each
person
assessed.

(2) The clerk shall furnish the publisher of the newspaper with the names and post office addresses of all persons within the municipality whose lands are assessed for the

work, and the publisher shall mail or cause to be mailed to each owner, to such post office addresses, the first two issues of the newspaper containing the by-law, and the publisher or person mailing such newspapers shall make a statutory declaration of such mailing and file the same with the clerk of the municipality publishing the by-law.

28. The council may, at its option, instead of publishing in a newspaper, by resolution direct that a copy of the by-law, including the notice of the sitting of the Court of Revision and notice as to proceedings to quash, written or printed or partly written and partly printed, be served upon each of the assessed owners, or their lessees or the occupant of their lands, or the agent of such owner, or be left on the lands, if occupied, with some grown-up person; and if the lands are unoccupied and the owner or his agent does not reside within the municipality, the council may cause a copy of the by-law and notices to be sent by registered letter to the last known address of such owner; and a statutory declaration shall be made by the person effecting any service or mailing any such registered letter, showing the manner and date of effecting the service or mailing the registered letter; and such declaration shall be filed by the person making the same, with the clerk of the municipality passing the by-law.

29. In case of notice of the intention to make application to quash a by-law is served within the time limited for that purpose in the notice attached to the by-law, or where the notice is served, then if the application is not made or is unsuccessful in whole or in part, the by-law, or so much thereof as is not quashed, so far as the same ordains, prescribes or directs anything within the proper competence of the council to ordain, prescribe or direct, shall notwithstanding any want of form or substance either in the by-law itself or in the time or manner of passing the same, be a valid by-law.

TRIAL OF COMPLAINTS.

30. Any owner of land in the municipality assessed for or contributing to the work, or any ratepayer, complaining of overcharge in the assessment of his own land, or of the undercharge of any other lands, or that lands which should have been assessed, have been omitted from the assessment, may personally, or by his agent, give notice in writing to the clerk of the municipality, that he considers himself aggrieved for any or all the causes aforesaid.

31. The trial of complaints shall be had in the first instance by and before the Court of Revision of the municipality in which the lands assessed are situate, and the first

Adjournments and notices of appeal.

sitting of such court shall be held pursuant to notice on some day not earlier than twenty nor later than thirty days from the day on which the by-law was first published, or from the date of completing the services or mailing of a printed copy of the by-law, as the case may be; notice of the first sitting of the court shall be published or served with the by-law, but the court may adjourn from time to time as occasion may require; and all notices of appeal shall be served on the clerk of the municipality at least ten days prior to the first sitting of the court; but the court may, though notice of appeal has not been given, by resolution passed at its first sitting, allow an appeal to be heard on such conditions as to giving notice to all persons interested or otherwise as may be just.

Adjourned sittings of Court in case of omission to assess certain lots.

32.—(1) Where it appears to the Court of Revision that any lot or part thereof which has not been specially assessed should be specially assessed, before finally determining the matter, the court shall adjourn its sittings to a future day and shall cause notice to be given to the owner of such lot of the time and place when the adjourned sittings will be held.

Time of mailing notice.

(2) The notice shall be mailed at least six days before the time fixed for the adjourned sittings.

Power to fix special assessment.

(3) If the Court of Revision determines that any such lot or part thereof ought to be specially assessed, the Court shall have jurisdiction and power to fix and determine the amount of a special assessment thereon.

Adjournment of court to notify persons affected by alteration of assessment.

33. When the ground of complaint is, that lands are assessed too high, and the evidence adduced satisfies the Court of Revision or Judge that the assessments on such lands or roads should be reduced, but no evidence is given of other lands or roads assessed too low or omitted, the court or judge shall adjourn the hearing of such appeal, for a time sufficient to enable the clerk to notify by postal card or letter all persons affected, of the date to which such hearing is adjourned; the clerk shall so notify all persons interested, and unless they appear and show cause against the reduction of the assessment appealed against or the increase of their own, the court or judge may dispose of the matter of appeal in such manner as may be just, and the sum by which the assessment appealed against is reduced, if any, may be distributed pro rata over the assessments of its own class or otherwise so as to do justice to all parties.

Notice of result of appeal.

34. The clerk shall by registered letter immediately after the close of the court, notify all appellants of the result of

their appeals and also of the date of the closing of the Court of Revision.

35.—(1) The council or the owner of a lot specially assessed may appeal to the Judge of the County Court from any decision of the Court of Revision. Appeal to County Judge.

(2) The provisions of *The Assessment Act* as to appeals to the judge shall apply to an appeal under the provisions of subsection 1. Application of Rev. Stat. c. 195.

(3) The Judge shall have the like jurisdiction and powers as are conferred on the Court of Revision by sections 32 and 33 of this Act. Powers of Judge.

36. The person appealing shall, in person or by solicitor or agent, file with the clerk of the municipality within ten days after the date of the closing of the Court of Revision, a written notice of his intention to appeal to the judge. Time limit for filing appeal to County Judge.

37. The clerk shall make such corrections in the special assessment roll as are necessary to give effect to the decision of the Court of Revision and the County Judge and the roll when so corrected shall be certified by the clerk, and when so certified, such assessment roll and the special assessment shall be valid and binding upon all persons concerned and upon the land specially assessed, notwithstanding any defect, error or omission therein or any defect or error in the by-law for undertaking the work or in any notice given or proceeding taken or the omission of any proceeding or thing which ought to have been taken or done before the passing of the by-law for undertaking the work or thereafter down to and including the completion of such revision; and the by-law shall be amended to carry out any changes so made. Clerk to alter assessments conformably with result of appeals.

ISSUE OF DEBENTURES.

38.—(1) The council may agree with any bank or person for temporary advances to meet the cost of the work pending the completion of it. Temporary loans.

(2) The council may, when the work undertaken is completed, borrow on the credit of the corporation at large such sums as may be necessary to defray the cost of the work undertaken, including the corporation's portion of the cost, and may issue debentures for the sums so borrowed. Issue of debentures.

(3) The provisions of *The Municipal Act*, as to by-laws for creating debts, shall apply to by-laws passed under the Application of Rev. Stat. c. 192.

authority of subsection 2, except that it shall not be necessary:

- (a) That the by-law be submitted to or receive the assent of the electors;
- (b) That any rate be imposed for the payment of the principal of so much of the money borrowed as represents the owners' portion of the cost or of the interest thereon, other than the special rate imposed to meet it in accordance with the schedule of assessment;
- (c) To comply with the provisions of subsections 5 and 7 of section 263 of *The Municipal Act*.

And except that the debentures shall be payable within a period not to exceed the estimated lifetime of the work.

Special rates for owners' portion to form special fund.

(4) The special rates imposed for the owners' portion of the cost shall form a special fund for the payment of the debentures issued under the authority of subsection 2 and the interest thereon, and shall not be applicable to or be applied for any other purpose.

General rate to meet deficiency in special rate.

(5) If in any year the amount realized from the special rate imposed to provide for the owners' portion of the cost and interest is insufficient to pay the amount falling due in such year in respect of so much of the debentures as represent the owners' portion of the cost, the council shall provide for the deficiency in the estimates for the following year and levy and collect the same by a general rate, but this shall not relieve the land specially assessed from the special rate thereon.

Owners' portion not to be deemed part of municipal debt.

(6) The amount borrowed under the provisions of subsection 2, in respect of the owners' portion of the cost, shall not be deemed to be part of the existing debenture debt of the corporation within the meaning of section 288 of *The Municipal Act*.

Corporation's portion may be included in estimates of the year.

(7) Instead of borrowing the amount of the corporation's portion of the cost of a work undertaken, the council may include the same in the estimates of the year.

Payment of assessment before debentures issued.

(8) Any owner of lands, including the municipality, assessed for the work, may pay the amount of the assessment against him or them, less the interest, at any time before the debentures are issued, in which case the amount of debentures shall be proportionately reduced.

ASSESSMENT IN ANOTHER MUNICIPALITY.

39. Where any lands in any other municipality will, in the opinion of the engineer, be benefited by the proposed highway improvement, such lands or such municipality may be assessed for such proportion of the cost of the work as to the engineer seems just.

Assessment
in another
municipality.

40. Where it is necessary to construct or improve a road which is a boundary line between two municipalities, or a highway used in lieu thereof, the council of either municipality may proceed upon a petition of the owners of lands benefited in all respects as if such area were entirely within the limits of such municipality.

Assessment
for boundary line
roads.

41. The council of any initiating municipality shall serve the head of the other municipality or municipalities assessed, or within which lands are assessed, with a copy of the report, plans, specifications, assessments and estimates of the engineer of the proposed work, and unless the same are appealed from as hereinafter provided, they shall be binding upon each and every corporation whose council is so served; and the council of the initiating municipality shall be entitled in the event of no appeal, to proceed with the by-law and authorize and construct or procure the construction of the road in accordance therewith.

Council of
initiating
municipality to
notify other
municipalities affected
and serve
with copy
of report.

42. The council of the municipality so served, shall, in the same manner as nearly as may be, and with such other provisions as would have been proper if a majority of the owners of the lands to be taxed had petitioned as provided in section 3, pass a by-law or by-laws to raise, and shall raise and pay over to the treasurer of the initiating municipality within four months from such service, the sum that may be named in the report as its proportion of the cost of the highway work, or, in the event of an appeal from the report, the sum that may be determined by the County Judge; and such council shall hold the Court of Revision for the adjustment of assessments upon its own ratepayers in the manner hereinbefore provided.

Municipality notified
to raise
and pay
over its
proportion
of cost.

43.—(1) The council of any municipality served as provided by section 41, may, within four weeks after such service upon its head, appeal to the County Judge of the initiating municipality from the report, plans, specifications, assessments and estimates of the engineer, by serving the head of the council from which they received the copy, and also the head of the council of any other municipality assessed by the engineer, with a written notice of appeal, setting forth therein the reasons for such appeal.

Municipality may
appeal to
the County
Judge of
the initiating
municipality.

Grounds of
appeal.

(2) The reasons of appeal which shall be set out in such notice may be the following or any of them:

- (a) That the scheme of the highway work as it affects the appealing municipality should be abandoned or modified, on grounds to be stated;
- (b) That the course of the highway, or any part thereof, should be altered;
- (c) That a petition has been received by the council of the appealing municipality as provided by section 3, from the majority of the owners along the road described in the petition, praying for the continuation of the highway work for a further distance along the boundary, and that the council is of opinion that such continuation is desirable for the area described in the petition;
- (d) That such appealing municipality objects to paying over its proportion of the cost of the work to the treasurer of the initiating municipality;
- (e) That the initiating municipality should not be permitted to do the work on the boundary line of the appealing municipality;
- (f) That the assessment against the appealing municipality or against lands within the limits of the appealing municipality and under its jurisdiction is illegal, unjust or excessive.

Powers of
County
Judge
on appeal.

44.—(1) Upon an appeal under the preceding section the County Judge shall hear and adjudicate upon all questions raised by the notice of appeal, as they may effect any municipality assessed for the highway work; and he may give to any interested municipality leave to enlarge the same, pursuant to petition in that behalf and according to the report, plans, specifications, assessments and estimates of an engineer appointed by the County Judge for that purpose, and may make such order in the premises and as to costs already incurred, and as to costs of the appeal as may seem just.

Abandon-
ment of
work by the
initiating
municipality.

(2) The council of the initiating municipality may, by resolution passed within thirty days after the decision of the County Judge on the appeal to him or in case of an appeal therefrom after the hearing and determination thereof, abandon the proposed highway work, subject to such terms as to the County Judge may seem just.

(3) The judge, in deciding the appeal, shall not make any order or award as to the payment of costs by the corporations concerned, but each municipal corporation, prior to the appeal, shall be liable for its own costs only.

APPEALS FROM ASSESSMENT.

45. A copy of the notice of appeal by any municipality from the report, plans, specifications, assessments and estimates of an engineer or surveyor or from a provisionally adopted by-law, with an affidavit or service thereof shall, within the time limited by this Act for the service of the same, be filed in the office of the clerk of the county court of the county or union of counties in which the work commenced.

Notice of appeal from assessment to be filed.

46. The by-law of the initiating municipality and of any other municipalities interested shall be amended so as to incorporate and carry into effect the decision or report of the County Judge or such decision or report as varied on appeal, as the case may be.

Amendment of by-law to carry out decision of referee.

AMENDING BY-LAWS.

47.—(1) Any by-law passed by the council of any municipality for the assessment upon the municipalities or the lands liable to contribute for any highway work, and which has been acted upon by the doing of the work in whole or in part, but does not provide sufficient funds to complete the highway work or the municipality's share of the cost thereof, or does not provide sufficient funds for the redemption of the debentures authorized to be issued thereunder as they become payable, may, from time to time, be amended by the council, and further debentures may be issued under the amending by-law in order to fully carry out the intention of the original by-law, and such further funds shall be levied pro rata with the schedule of assessment, upon all parties assessed, unless it shall have been otherwise provided by the report of the engineer.

Amendment of by-law when insufficient funds provided.

(2) Where in any such case lands and roads in another municipality are assessed for the highway work, the council of the initiating municipality shall procure an engineer to make an examination of the work and to report upon it with an estimate of the cost of completion for which sufficient funds have not been provided under the original by-law, and shall serve the heads of the other municipalities as in the case of the original report, plans, specifications, assessments and estimates; and the council of any municipality so served shall have the same right of appeal to the County Judge as

When lands in another municipality are assessable.

to the improper expenditure or illegal or other application of the highway money already raised and shall be subject to the same duty as to raising and paying over its share of the money to be raised as, in the case of the original by-law, is provided by section 42.

Amendment of by-law which provides more than sufficient funds and distribution of surplus.

(3) Any by-law for the assessment upon the lands liable to contribute for any work and acted upon by the completion of the work, which provides more than sufficient funds for the completion of or proper contribution towards the work or for the redemption of the debentures authorized to be issued thereunder as they become payable shall be amended, and if lands in any other municipality are assessed for the work, the surplus money shall be divided pro rata among the contributing municipalities, and every such surplus until wholly paid out shall be applied by the council of the municipality pro rata according to the assessment in payment of the rates imposed by it for the work in each and every year after the completion of the work.

Publication of amending by-laws.

48. It shall be in the discretion of the council whether an amending by-law, passed under any of the provisions of the preceding section, shall be published or not, and the provisions of this Act shall apply to any debentures issued under the authority of that section, which have heretofore been or may hereafter be purchased by direction of the Lieutenant-Governor in Council.

MAINTENANCE AND REPAIR.

Maintenance and repair by corporation.

49.—(1) After a work undertaken has been completed, it shall during its lifetime be kept in repair by and at the expense of the corporation.

General duty to repair not affected.

(2) Nothing in this Act shall relieve the corporation from any duty or obligation to keep in repair the highways under its jurisdiction, to which it is subject either at common law or under the provisions of *The Municipal Act*, or otherwise, or impair or prejudicially affect the rights of any person who is damaged by reason of the failure of the corporation to discharge such duty or obligation.

Maintenance and repair of boundary lines.

50. Any highway constructed in pursuance of this Act and which is a boundary line in whole or in part, shall be maintained at the expense of the two municipalities in the proportion determined by the engineer's report and assessment, or any appeal therefrom by the award of the Judge of the County Court.

51.—(1) The council of any municipality undertaking the repair of any highway work under section 48 shall, before commencing the repairs, serve upon the head of any municipality liable to contribute any portion of the cost of such repairs under the provisions of this Act, a certified copy of the by-law for undertaking the repairs, as the same is provisionally adopted, which by-law shall recite the description, extent and estimated cost of the work to be done and the amount to be contributed therefor by each municipality affected by the highway work; and the council of any municipality so served may, within thirty days thereafter, appeal from such by-law to the County Judge on the ground that the amount assessed against such municipality is excessive or that the work provided for in the by-law is unnecessary, or that such highway work has never been completed through the default or neglect of the municipality whose duty it was to do the work, in the manner provided in the case of the construction of the highway work; and the County Judge on such appeal may alter, amend or confirm such by-law, or may direct that the same shall not be passed as to him may seem just.

(2) The council of every municipality served with the provisional by-law shall, within two months after such service, pass a by-law to raise, and shall, within that period raise and pay over to the treasurer of the initiating municipality the amount assessed against the municipality, as stated in the provisional by-law or as settled on appeal therefrom.

MANDAMUS TO COMPEL REPAIR.

52.—(1) Upon reasonable notice in writing from any person or municipality who is injuriously affected by the condition of the highway, the municipality whose duty it is to maintain and keep in repair the highway, shall be compellable by mandamus issued by the County Judge or other court of competent jurisdiction to exercise the powers and to perform the duties conferred or imposed upon it by sections 47 to 49, or such of the said powers as to the court may seem proper.

(a) A mandamus against the municipality shall not be moved for until after the lapse of thirty days from the date of the service of the notice.

(2) Notwithstanding anything contained in subsection 1, the municipality whose duty it is to maintain and keep in repair a highway, shall not become liable in pecuniary damages to any owner of land whose property is injuriously affected, by reason of the non-repair of such work, unless and until after service by or on behalf of such owner of notice in writing upon the reeve or clerk of such municipality,

describing with reasonable certainty the alleged lack of repair of such work.

PAYING BACK ADVANCES.

Repayment of advance from general funds on receipt of assessment.

53. Any money which has been or may hereafter be advanced by the council of any municipality out of its general funds for the purposes of any highway work in anticipation of the levies and collections therefor, shall be repaid into the general funds of the municipality as soon as the money first derived from the assessment is collected.

COST OF APPEAL AND INCIDENTAL EXPENSES.

Certain expenses to be deemed part of cost of repair and maintenance.

54. Except where otherwise provided by this Act, the cost of any appeal had in connection with the repair or maintenance of any work, the cost of the publication or service of by-laws, and all other expenses incidental to the construction or maintenance of the work and the passing of the by-laws, may be deemed part of the cost of such work, and may be included in the amount to be raised by local rate on all municipalities and lands liable therefor.

LANDLORD AND TENANT.

Tenants' covenant to pay taxes—when to include assessments under this Act.

55. Any agreement on the part of any tenant to pay the rates or taxes in respect of the demised lands, shall not include the charges and assessments for work under this Act unless such agreement in express terms so provides; but in cases of contract to purchase or of leases giving the lessee an option to purchase, the charges and assessments for work in connection with which proceedings were commenced under this Act, after the date of the contract or lease, and which have been already paid by the owner, shall be added to the price and shall be paid by the purchaser or the lessee in case he exercises his option to purchase; but the amount still unpaid on the cost of the work or repair, and charged against the lands shall be borne by the purchaser unless otherwise provided by the conveyance or agreement.

COUNTY ROADS.

County plan may require township to pay a fixed proportion.

56.—(1) In the construction of a system of county roads, under *The Highway Improvement Act*, the plan adopted by the county council may provide that a fixed proportion of the cost of roads in each local municipality, not to exceed 30 per centum, is to be contributed by the local municipality in which the work is performed.

Township council may raise such proportion by general rate or special assessment.

(2) The council of each local municipality upon which such proportion of the cost is levied may raise the necessary amount by general township rate or may assess all or any part thereof upon the property directly benefited by such work in accordance with the procedure defined by this Act, but without petition as required in sections 4 and 23.

(3) When in carrying out a plan of county roads, the residents of any locality desire a better type of construction than that proposed by the council of the county, petition may be made to the council of the county for a report as required by section 4 of this Act, and all subsequent procedure, *mutatis mutandis*, shall be in accordance with the provisions of this Act, except that the council of the county shall be the Court of Revision.

(4) The council of the local municipality in which such additional provision or construction is made, shall carry out the requirements of the county council as expressed by by-law of the county with regard to the collection and payment to the county of funds so specially levied and assessed as in subsection (3) provided, and shall have authority to pass the necessary by-laws for this purpose in accordance with all powers conferred by this Act.

MAIN ROADS.

57.—(1) In the construction of any Main Road under *The Ontario Highways Act*, when any portion of the cost is assessed in the report of the engineer upon the property directly benefited by the work, the township council of each local municipality within which such proportion of the cost is levied, shall raise the necessary amount by general township rate, or may assess all or any part thereof upon the property directly benefited by such work in accordance with the procedure defined by this Act, but without petition as required in sections 4 and 23.

(2) When, in carrying out the construction of any main road, the residents of any locality desire a better type of construction than that proposed by the Board, petition may be made to the Board for a report as required by section 4 of this Act and all subsequent procedure, *mutatis mutandis*, shall be in accordance with the provisions of this Act, except that the Board of Trustees shall be the Court of Revision.

(3) The council of the local municipality in which such additional provision or construction is made shall carry out the requirements of the Board, as expressed by resolution of such Board with regard to the collection and payment to the Board, of funds so specially levied and assessed as in subsection (2) provided, and shall have authority to pass the necessary by-laws for this purpose in accordance with all powers conferred by this Act.

CONTINUATION OF WORK.

58. Proceedings for undertaking a work begun by one council or Board may be continued, and the work may be begun, continued or completed, by a succeeding council or Board.

No. 182.

2nd Session, 14th Legislature,
6 George V, 1916.

BILL.

An Act to provide for the Construction of
Township Roads by Local Assessment.

1st Reading, April 19th, 1916.

MR. MACDIARMID.

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